
IMPRIMATUR

Liber cui Titulus, *Christian*
Loyalty, &c.

Ex Æd. Lamb.
Julii 10. 1678.

Geo. Thorp, Rev. in Christo
Patri & Dom. Domino
Guiliel. Archiep. Cant.
à Sacris Domesticis.

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Christian Loyalty :
OR, A
DISCOURSE,

Wherein is Asserted that just Royal Authority
and Eminency, which in this *Church* and
Realm of *England*, is yielded to
the KING.

Especially concerning Supremacy in
Causes Ecclesiastical.

Together with
The disclaiming all *Foreign Jurisdiction*;
And the unlawfulness of Subjects

TAKING ARMES

Against the

K I N G.

By *WILLIAM FALKNER*, D. D.
late Preacher at *S. Nicholas*, in *Lyn Regis*.

The Second Edition.

LONDON,

Printed by *J. M.* for *Walter Kettilby*, at the
Bishops Head in *St. Paul's Church-Yard*,
MDCLXXXIV.

Christen-Lovén;

DISCOURSE

THE

OF

THE

OF

OF

To the
MOST REVEREND
FATHER in GOD,
WILLIAM
By DIVINE PROVIDENCE
LORD ARCHBISHOP
OF
CANTERBURY,
Primate of all ENGLAND
and Metropolitan ;

And one of His Majesties most Honourable
Privy Council, &c.

May it please your Grace,

I Have in the following Dis-
course, undertaken a Vin-
dication of those publick Loyal
A 3 Decla-

THE EPISTLE

*Declarations of this Church and Kingdom, which are of great concernment, not only in the Civil Government, but also in the Christian Religion: and I hope your Grace will therefore not account it improper that this should be presented unto your self. For the chief things I have taken upon me to defend, are such special Branches of the Doctrine of our Church, that in this part and Age of the World, they are in a manner peculiar to it, and to them who with it have herein imbraced the true Reformed profession. But both the Roman Church, and divers other different Sects
and*

DEDICATORY.

and Parties, among their other Errours and Heresies, entertain such disloyal Positions as are of dangerous importance unto Government, wherein (besides some other things) there is too near a Conjunction between them.

And these things are of so great consequence in Christianity, that the main Foundations of Righteousness, Peace, and Obedience are thereby established, all which necessary duties are much insisted on by our Saviour's Doctrine. And therein the regular and orderly behaviour of inferiour Relations, is particularly enjoined, for the

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THE EPISTLE

gaining reputation to our Religion ; - because a temper fitted for Christian subjection , supposeth Pride, Passion, and Perverseness to be subdued ; and that in the fear of God, an Humble, Meek, and peaceable Spirit is introduced, which are things wherein our Saviour hath given us his Example.

*And the principal matter of this Discourse concerning the Kings Supremacy in all Causes, and the unlawfulness of Subjects taking Armes, is of the greater concernment , because the contrary ill Principles which many have imbibed, have been very pernicious to
several*

DEDICATORY.

several parts of the World, for many hundred years past. Which hurtful Positions have prevailed the more among men, by their being covered over with plausible pretences: as if those of the former sort were needful, to assert the just interest and honour of the Christian Church; and those of the latter sort, to provide for the safety of the Commonwealth, and of every Mans own propriety. All which would represent the secular Authority, which was ordained by divine wisdom for the good of Mankind, to be a thing exceeding hurtful and mischievous to the World.

Where-

THE EPISTLE

*Wherefore since men are much led by the consideration of their interests, that what I propose may be the more successful and effectual ; I have shewed that Obedience, and peaceable subjection to Governours without resistance, is not only a duty, which is enough to perswade all good men to practise it, but that it is the common advantage of the World, as the whole Duty of Man is, both to Rulers and to Subjects. And that Royal Supremacy in causes Ecclesiastical, is not prejudicial to the Christian Church, I have only expressed more covertly and succinctly ; because though
this*

DEDICATORY.

this may be considered by some men, there is another interest, to wit, that of the boundless ambition and avarice of the Romish Court and Church, which chiefly instigates their opposition hereunto: and I must confess that the truth, I defend, doth not gratify this interest. But that tendeth best to promote the advantages of the Church in the World, when the goodness of our Religion, and it's preserving all just rights of Superiours as well as others, doth so recommend it to the World, as may gain to it the good opinion of all men, the favour of Princes, and the blessing of God. And

THE EPISTLE

And though I am conscious to my self, that by reason of the greatness and copiousness of the Subject I have taken in hand, there may be several defects in my performances, notwithstanding my diligent endeavours; yet I presume humbly to tender them to your Grace, in confidence that your Candor, and readiness to give a favourable acceptance to well designed, and not unuseful undertakings, and to make charitable allowances for their imperfections, doth bear an equal proportion with other parts of your great worth, by reason of which you possess your great dignity with a general

DEDICATORY.

*ral satisfaction to good men, and
the Friends of Truth and Peace.
And that you may long and hap-
pily continue here to the benefit
of the Church, and may see the
Church it self in Prosperity, and
true Piety flourishing, all the
dayes of your Life, is the desire
and Prayer of him,*

Who Honoureth your Grace

With humble and dutiful

Reverence,

William Falkner.

TO

TO THE
READER.

THE Government and Constitution of this Realm requiring a solemn acknowledgment to be made, by all who bear any office therein, concerning the *Regal Power* and Dignity ; and the different parties using their several methods and pretences, to oppose the matters of these publick Declarations ; I have endeavoured in the following Discourse, to give a true and clear account of these things , in order to the removing those mistakes or doubts, which may either perplex any persons, or tempt them to neglect their Duty. And I have oft thought , that those things which are *publickly professed* in this Church and Realm, by these particular acknowled-

To the Reader.

knowledgments, which are made by so many persons, are very useful to be discoursed of; both because these things themselves were selected as being of great concernment, by the grave and prudent consideration of publick Authority, and the due compliance with them includeth the practising Obedience, and *following the things which make for Peace*; and also because the unjust oppositions made against these things, are either managed by ill designs, or at least have a tendency to promote ill effects in Church and State. And the truth which in this Discourse I undertake to maintain, doth also speak much the Integrity and Simplicity of the *Christian Religion*; that it is not a Worldly contrivance, or a way laid to intitle any professors thereof to claim, or to enable them to usurp upon, or oppose the temporal Power and Authority;

To the Reader.

thority ; as hath been shamefully done in the Church of *Rome*, and not a little by other sorts of men : a considerable part of the Popish Usurpations being founded, in their unjust *encroaching* upon the Rights of Sovereignty.

And they who have observed the State of the World, cannot be unsensible, what Horrid and Mischievous Conspiracies have been frequently contrived, against the Safety and Welfare of Princes, and their Kingdoms; as the consequent of the wicked Positions which I have undertaken to refute. But all these attempts, which are pernicious and destructive to Humane Society, will, I hope, sufficiently appear by the following Discourse, to be perfectly opposite to the Christian Doctrine also, and severely condemned by it. Wherefore the things treated of in this Book, are of such a nature, that

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they

To the Reader.

they are of great concernment, for the good Order, Peace and Settlement of the World; the security of Kings and Kingdoms; and the vindicating the Innocency of the Christian Religion.

Upon this Account, I could wish my self to be more able to discourse of such a subject as this, every way suitably to, and worthy of it self. But as I have herein used diligent care and consideration; so I can freely say, I have every where endeavoured impartially to discover, and faithfully to express the *truth*; and have never used any unworthy Artifices, to evade or *obscure* it. And therefore, if the sober and judicious Reader shall in any thing of less moment (as I hope he will not in matters of great moment) discern any mistake, I shall presume upon his Candor and Charity. In the manner of handling things, I have avoided

To the Reader.

ed nothing which I apprehended to be a difficulty or considerable matter of objection : but in the return of Answers , and the use of Arguments to confirm what I assert , I have oft purposely omitted many things, in themselves not inconsiderable, for the shunning needless prolixity ; and have waved several things taken notice of by others, for this cause sometimes, because I was not willing to lay any stress upon such things, as seemed to me not to be of sufficient strength. On this account, for instance, in discoursing of the Supremacy of Princes over Ecclesiastical Officers, I did not insist on our Saviour and S. Peter paying Tribute , *Matt. 17. 24,-----27.* For though many ancient Writers speak of this as paid to *Cesar*, and some expressions in the Evangelist seem to favour this sense ; yet I suppose there is rather greater likelihood,

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To the Reader.

hood, that this had respect to the annual oblation unto *God* himself, which the Jews paid for the service of the Temple, to which *S. Hilary* and some other Ancients refer it.

Yet in *rendring* unto *Cæsar*, the things that are *Cæsars*, I still reserve unto *God*, the things that are *God*; acknowledging the primary necessity of embracing the true Worship of *God*, and the Doctrine and practice of Christianity, and that all Christians ought to bear an high reverence to the establishment of the Kingdom of *Christ* under the Gospel, and to that Authority, and those Officers, which he hath peculiarly established therein. But there is a very great miscarriage among men; that there are those who look upon many weighty things in Christianity, as if they were merely secular Constitutions, and were no further necessary to be observed, than for the securing
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To the Reader.

men from outward penalties. These men do not observe and consider, that there lyeth a far greater necessity, of keeping and valuing the *Communion* of the Church, of devoutly attending *Gods publick worship*, and orderly performing its Offices, with other things of like nature, from the Precepts and Institutions of Christ, and from the Divine Sanctions, than from the countenance or establishment of any civil Law, or secular Authority whatsoever. The lively sense and consideration of this, was that which so wonderfully promoted and preserved both Piety and Unity in the primitive Church, when it had no encouragement from the temporal Power. But there must be no opposition made between *Fearing God*, and *Honouring the King*, but a careful discharge of both; and these Precepts which God hath joined together, let no man separate.

To the Reader.

And now I shall only entreat that Reader, who is inclined to have different apprehensions, from the main things I assert, to be so just to his own reason and Conscience, as impartially to consider and embrace the evidence of Truth; which is the more necessary, because truths of this nature are no mere matters of speculation, but are such Rules to direct our practice, which they who are unwilling to entertain, act neither charitably to themselves, nor accountably to God. And he who is the Father of Spirits direct the hearts of all men into the wayes of Goodness, Uprightness, Truth and Peace.

Lyn Regis
June 21.
1678.

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ERRATA.

P *Age 106. l. 3. Marg. r. n. 6. p. 107. l. 4.*
r. Frischmuthus.

Christian

Christian Loyalty.

The First Book.

*Of Regal Supremacy, especially
in matters Ecclesiastical, and
the renouncing all Foreign
Jurisdiction.*

CHAP. I.

The Kings Supremacy in Causes Ecclesiastical declared.

SECT. I.

*The Royal Supremacy acknowledged and
asserted, in the Church and Realm of
England.*

THE things established in the Church
of England, which all Ecclesiasti-
cal persons are required to declare their
consent

B. I. C. I. consent unto, do concern matters of so high importance; that both the being, and the purity and perfection of a Church, doth very much depend upon the consideration thereof; to wit, the order and way of its *worship*, the due honour it gives to the King and Secular Authority, the truth of its *doctrine*, and the right and regular ordination of its *Ministry*. That the *publick worship* of God in our Church is free from all just exception, and agreeable to the rules of Christianity, and the best and primitive patterns, I have given some account in a former Treatise: And in this discourse, I shall treat of that Authority and Dignity, which is justly yielded and ascribed to the *supreme civil power*.

Loyal Principles useful to the world.

2. And if a general right understanding of this matter could every where be obtained, together with a practice suitable thereunto, it would greatly contribute to the advancement and honour of *Christianity*, and the peace of the *world*. The great miscarriages and irregular practices, by *not yielding to Sovereign Princes their due Authority*, hath strangely appeared in the enormous Usurpations of the *Romish Church*, and the frequent distractions of the *Empire* and other Kingdoms, which have been thence derived. For the Roman Bishop, who still *claimeth* even where he *possesseth*

possesseth not, by his exorbitant encroachment upon the Royalty of Kings, especially in *matters Ecclesiastical*, and thereupon in Civil also; did advance himself unto the highest step of his undue *Papal exaltation*. And he thereby also more firmly fixed, and rivetted his *usurpation* over other Christian Bishops, and put himself into a capacity of propagating his *corrupt doctrines*, without probable appearance of any considerable check or controul, and with the less likelihood of redress and reformation. And from the like cause have proceeded divers *exorbitancies*; in *opinion and practice*, concerning the Church and its Government, in another sort of men. And the want of Conscientious observance of the duties of *subjection*, hath too often manifested it self in the World, by the sad effects of open *tumult and rebellion*, all which hath highly tended to the *scandal of Religion*.

3. It seemeth also considerable, that almost all *Seets*, and erring *parties* about matters of Religion, (and many of them to very ill purposes) do nourish false conceptions and mistaken opinions, concerning the *civil power*. They either beyond due bounds *exalt* it so high, as not to reserve that respect which belongeth to *God*, and *Christian institutions*, which is done

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by

B. 1. C. 1. by some few ; or else *depress* it so low, as to devest it directly of its authority in *causes Ecclesiastical*, if not to erect and acknowledge some other power, *Papal* or *popular*, as rival, or paramount thereunto. And therefore it is a work worthy the care and industry, of one who loveth truth and goodness, to endeavour the healing such a Fountain of deadly evil, which hath diffused it self into so many several streams and Channels. And I heartily and *humbly beseech* the Almighty God, and Governour of all the Earth, that he will *guide* and *assist* my undertaking, and dispose the hearts of all men to a right understanding of truth, and a serious performance of their duty.

4. Now for the preservation of the *peace* and *Government* of Kingdoms, these two things are especially necessary.

1. That there be an *acknowledgment* of the Rulers *just authority* in his Dominions, against all false pretenders, and those who would undermine it, or incroach upon it.

And are
asserted in
this Realm.

2. That there be due care for maintaining that *fidelity* in the *subjects*, which is suitable hereunto. And both these things are so far provided for, in the Constitutions of our *Church* and *Kingdom*, that the Royal Authority is therein fully acknowledged and asserted ; and all Ecclesiastical persons

persons (and together with them civil and Sect. 1.
military Officers, besides divers other sub-
jects of this Realm) are required to yield
to the King that *authority* and *duty* which
consisteth chiefly in these two things.

1. The asserting in the King the *Supremacy*
of Government in *all causes*, against the
claim of any *Foreign* pretenders, or any
others, and their engaging to maintain all
those *Royalties*, which belong to the
Crown. 2. That such a faithful *Allegi-*
ance be performed to him, as disclaimeth
all right and power, whether by pretended
Papal Excommunication or otherwise, to
set free any of his subjects, from their duty
of *Loyalty* and obedience, and particu-
larly declareth it unlawful, upon *any pre-*
tence whatsoever, to take *Arms against*
him. And of the matter of our publick
acknowledgments, which relate to these
two heads, I shall discourse concerning the
former head in this Book, and the latter in
the second Book.

5. The *Supremacy of Government* in In our Statute Laws.
the King of England, over this Realm,
and all other his Dominions, which is his
just and undoubted right, is plainly de-
clared in our most solemn publick Con-
stitutions, both *Civil* and *Ecclesiastical*.
It was asserted in our Laws, in the time of
King Richard the Second, that the Crown 16 Ric. 2.

B. I. C. I. of England hath been so free at all times, that it hath been in no earthly subjection, but immediately subject to God, in all things touching the Regality of the same Crown, and to none other. And in the time of King Henry the Eighth, it was declared in Parliament, that *this Realm of England is an Empire, and so hath been accounted in the World, governed by one supream Head and King, having the dignity and Royal Estate of the Imperial Crown of the same; unto whom a body politick* — of spirituality and temporality, be bounden and ought to bear next to God, a natural and humble obedience. And it is usual for the Lords and Commons jointly, even in the framing Acts of Parliament, to mention the King under the stile of *Our Sovereign Lord the King*, which is obvious in our Statutes. By our Laws also since the Reformation, the usurpations which had incroached upon his Supremacy are discarded, the ancient right of Jurisdiction restored to the Crown, and the Oath of Supremacy established, wherein this Royal Authority is solemnly owned, acknowledged, and declared, and which is taken by all the Clergy of England, and many others.

24 Hen. 8.
12.

1 Eliz. I.

The Oath of
Supremacy.

6. The Oath of Supremacy containeth in it three things.

1. The

1. The asserting the Kings Highness to Sect. 1.
 be the only *supreme Governour of this Realm*, and all other his Dominions and Countries, as well in all *Spiritual or Ecclesiastical things* or causes, as Temporal.
 2. A disowning and renouncing all *foreign Jurisdiction* and authority, within this Realm.
 3. An engaging true *allegiance* to the King and his Successors, and a *defence* of the Jurisdctions and pre-eminencies of the *Crown*. The lawfulness, fitness, and reasonableness of which things, as they are expressed in that Oath, I am the more enclined carefully to consider, because a very learned man too readily and unadvisedly, expressed his *dissatisfaction*, concerning some clauses thereof. But as the two first things contained therein, will be the chief matter of my discourse; so under the first nothing else need be much enquired after, save the *supremacy* of the King in all *spiritual or Ecclesiastical* things or causes.

*Weights
and Measures, Ch.
20.*

7. For, That the *Kings Majesty* is in general the *chief Governour* of this *Realm*, is as evident, as that this is the *Kingdom of England*; and it is as needless a thing to say any thing in proof thereof, as to go about to prove the Sun to be risen at Noon-day. For there is an actual, constant, visible *exercise* of this Government, in

B. I. C. I. such an ample manner, as to extend it self to all persons whomsoever in the Realm ; and this authority is very plainly *acknowledged and confirmed*, throughout the whole body of our *English laws*, and the Constitution of the Kingdom. And the Title of our present Sovereign is manifestly undoubted, by clear *succession* and descent, not only from the Kings *since the Conquest*, but from those *before it*. For *Margaret the Heirels of the Saxon Kings*, was, about the time of the Conquest, married to *Malcom King of Scotland*, from whence our Sovereign is descended : and thereby, as *M. Paris* expressed it, *Regum Angliæ nobilitas ad reges devoluta est Scotorum.*

M. Paris
an. 1067.

And Ecclesiastical
Constitutions.

Art 37.
Can. 1.

Can. 36.

Can. 2.

8. This Royal Supremacy in causes *Ecclesiastical*, is frequently asserted in the *Constitutions of our Church*. It is owned and declared in the *Book of Articles*. And the *Canons* of our Church not only acknowledge this Supremacy, but also enjoin Ministers frequently to teach the same. And they moreover require *subscription* thereunto, according to the purport of the *Oath of Supremacy*, from all persons who come to be *ordained*, or to be *admitted*, to any *living or employment* in the Church ; and denounce *Excommunication ipso facto*, against all impugnors thereof in causes *Ecclesiastical*.

SECT.

SECT. II

The true meaning of Supremacy of Government enquired into, with particular respect to causes Ecclesiastical.

I. To prevent the inconveniency which ariseth from misunderstanding, it is needful to consider, what is meant by the phrase of *Supreme Governour*, which will easily be discerned, if we first consider, what is understood by *Governing*. Now as *Governing* enclues a power of *superiority* over the persons governed, and an obligation upon them unto *obedience*; so the chief and special works of *secular Government* are frequently expressed in the Holy Scripture; by *judging*, and *doing judgment and justice*, 1 *Kin.* 10. 9. *Jer.* 22. 15. (hence the ancient rulers of *Israel*, were called their *Judges*) by being as a *Shepherd* unto the people, *Num.* 27. 17. and also by giving *praise to them that do well*, and *executing wrath on them who do evil*, *Rom.* 13. 3, 4. 1 *Pet.* 2. 14. And *Philo* accounteth the authority of *Government*, to be a power of *commanding and prohibiting*, δειν δὲ βασιλεὺς πρὸς αὐτοὺς ἐμπαρορθεῖν, which encludeth an authoritative power over the persons of others, and being

Of Supreme Government.

Phil. de præn. & pœn. p. 918. & de Vir. Mos. l. 2.

B. I. C. I. being the life of, and giving execution to the law. The sense of which, and especially of the Scripture expressions is, That the *Governing power* includeth an authority, to take care of the Community, and of what is just and right, and to *command* and *encourage* well-doing : and when occasion requires, to *take an account* of the actions and causes of inferiours, *acquitting* or *punishing* them, according to their merit, and opposing all injurious and evil doers. And he who hath a right to do all this, towards all other persons in his Dominions, without being governed by, subject to, or accountable before, any other superior authority upon Earth, is a *Supreme Governour*.

2. But it is neither necessary, nor most suitable to supremacy of Government, that the rules by which the Governour proceedeth, should be altogether at his own will and pleasure. But it is sufficient that these rules be such, as he either judgeth to be good, and therefore chuseth of himself ; or else freely accepteth and consenteth to them, if they be formed to his hands, or proposed by others. For it is no abatement of the *high Sovereignty* of the Glorious *God* over the world, that all his government and executing judgment, is ordered according to the natural and
eternal

Ecclesiastical declared.

11

eternal rules and measures of *goodness* and Sect. 2.
justice, and not by any such arbitrary will,
which excludeth all respect thereto. And
man hath not a less but a greater govern-
ment over himself, when he guideth him-
self by the rules of *reason*; nor is it there-
fore any diminution of the power of a
Governour, when the exercise thereof is,
and ought to be managed by rules of *com-
mon equity*. Yea, the Kings of *Judab* en-
joyed a compleat Supremacy, though they
were to govern according to the *law of
Moses*; and so much more may Christian
Kings do, while they maintain a Religious
respect to the *positive laws* of *Christia-
nity*. And there are some Kingdoms,
where without any disparagement to the
Supremacy of their Prince, they are go-
vern'd by the fixed rules of the *civil law*;
and others where other laws, established
by their *Predecessors*, are standing rules.
And if in the last place we consider, that
when great *Emperours* yielded to their
conquered and tributary Principalities, at
their Petition and desire, the priviledge of
being governed by their *own former laws*
(as was done to *Judæa*, by their *Persian*,
Grecian, *Egyptian*, *Syrian*, and *Roman*
Governours, under whose Dominion they
were) this was no giving the Supremacy
of Government out of their own hands ;
much

Josep Ant.
l. 11. c. 4.
& c. 8. lib.
12. c. 2. &
c. 3. lib 14.
c. 17.

B.1.C.1. much less can it be a Plea against the *Supremacy* of Government, in a free *natural Prince*; where the consent of his Subjects in *Parliament*, is always taken in, for the forming and enacting any new law, which he establisheth at their request and Petition.

3. And as such a model of framing laws, is very well consistent with the *Supremacy* of the Prince; so it is a great *priviledge* to the *subjects* of such a Realm, which they cannot but be sensible of, and which will make their subjection more cheerful and free. And it further encludeth this *advantage* to the *Government* it self, that there is like to be greater care of obedience to those *laws*, where the people are not only obliged thereto from the duty of *submission*, and the fear of penalties, but have also given their own *consent* and agreement, to their being and constitution. To this purpose the things established by our Laws, are called things *agreed* and *assented to*, and *concordata*; and very often they are declared to be *enacted by the Kings Majesty, with the advice and assent of the Lords and Commons*; but always it is acknowledged, that neither, nor both Houses of Parliament, have any *legislative power without the King*; and whosoever shall assert the contrary, is by a late statute

St. de Marl.
bridge, St.
de Bigamis
St. quo
Warranto,
& passim.

tute declared to be under a *Premunire*. Sect. 2. 13 Car. 2. 1.

4. And it is plainly evident, that the *supreme government* in all things or causes, is quite of a different nature, from the right of performing the *actions or offices* of all persons, who are under this government (which, for the most part, are inconsistent with the dignity of Supremacy) though some have been willing to confound these things, and thereby hinder themselves and others, from a right understanding of them. And *Cardinal Bellarmine* himself, spent his strength and courage in fighting in the dark, when he somewhat largely insists on this argument, That secular *Princes* have not a supreme Government with respect to the *Church*, because they cannot perform the offices of other Governours of the Church, *Bishops, Priests, and Deacons*; and argues, *they may not baptize and consecrate, non sunt igitur Reges supremi Ecclesie Magistratus*. But no man need be to seek for the true sense of *supremacy*, as it is acknowledged in this *Church and Realm*, who doth consider duly those very words, both in the Oath of Supremacy, and the Canonical subscription, *That the King is supreme Governour, as well in all spiritual or Ecclesiastical things or causes, as temporal*. Wherefore.

Supremacy is a right of governing, not of performing all particular offices.

De Rom. Pont. l. 1. c. 7.

5. Obs.

B. I. C. I.

Some au-
thority be-
sides the su-
preme, by
peculiar
divine in-
stitution,
both in spi-
ritual and
temporal
things.

21 Hen. 8.
3. 22 & 23
Car. 2.

5. *Obs.* 1. In *temporal things* or causes, there are some rights of power and authority, which are wholly *derived* from the *King*; as the Commanding an Army or Navy, and the governing any place or County in his Dominion: but there are others which depend upon *divine institution*, which institution must be reverenced, and the rules thereof attended unto by all sorts of men; such is the authority and right of the *Husband* over his Wife, in the state of marriage appointed of God. And in *Ecclesiastical matters*, there are some things in our ancient laws, reserved as peculiar to the Ecclesiastical Power, not without good reason, and yet much by the *favour* of the *sovereign authority*; as the power of *proving wills* and *testaments*, and granting *administrations*, concerning which our late Statutes have made some additional provisions; but there are other matters of *Ecclesiastical authority*, which intirely flow from the *institutions of Christ*, as the right of *consecrating, ordaining*, and the whole power of the *Keys* doth. Now the asserting the *supremacy* of Government, is never designed in any wise to violate, either these *divine* or *Christian institutions*, or to assert it lawful for any Prince to invade that authority and right, which is made *peculiar* thereby,

thereby, whether in matters *temporal* or *Sect. 2.*
spiritual. Wherefore there was just cause *Grot. de*
 for understanding men, to tax the *vanity* *Imp. S. m.*
 and inconsiderateness of those men, who *cap. 2. n. 1.*
 will understand nothing else by the Kings *Abbot. de*
 Supremacy in *causes Ecclesiastical*, but *suprem.*
 this, that he may assume to himself the *pot. Reg.*
 performance of all proper *Ecclesiastical* *præl. 2. n. 2.*
actions. *Maf. de*
Min. Angl.
l. 3. c. 5.
n. 2. & l. 4.
c. 1.

6. *Obs. 2.* Since the asserting the Kings
 Supremacy in things *temporal*, doth not
 exclude the subject from a real *propriety*
 in his own estate, nor declare it lawful for
 a Prince, when he pleaseth, to *alienate* his
 subjects possessions and inheritance; the
 owning his supremacy in matters *Ecclesi-*
astical, must not be so far strained, as to
 acknowledge that the *revenue* of the
 Church may be *alienated* at the pleasure of
 the Civil Power. For besides, that in our
 English Laws, this hath the same *legal secu-*
rity that all other properties have, and
 with a *priority* and precedence thereto;
 it is but reasonable, that that *possession*
 which beareth a respect to God, should be
 as *inviolable* as the rights of any men. And
 that revenue which is set apart for the sup-
 port of the *service of God*, and of those ad-
 ministrations which tend to mens *eternal*
felicity, ought not to be less secured, than
 what concerneth their *temporal welfare*.

Magn.
Char. c. 1.

7. *Obs.*

B. I. C. I.

Things
good and
evil cannot
be altered,
but must be
established
by authori-
ty.

7. *Obs.* 3. The Sovereign power is so *supreme* in things *temporal*, as that whatsoever is *good* or *evil* by the law of nature, or the command of God, cannot be altered thereby (*viz.* so as to make theft and murder good, or justice, chastity and speaking truth evil). And in things *Ecclesiastical*, all matters of *faith*, *worship* and *order*, which Christ hath determined in his Church, must remain equally unmoveable and unalterable, notwithstanding the acknowledgement of Royal Supremacy in *causes Ecclesiastical*. And in *temporal* affairs, what authority the God of nature hath planted in any other persons, still remaineth intire notwithstanding the Royal Government over them; thus for instance, the power, right, and authority of *Parents*, is still acknowledged such, as that it is neither *derroed* from the regal authority, nor can be *forbidden* by it. And this power, which both the laws of nature and of Christianity establish, hath been universally owned throughout the world; and it is observed by *Philo*, that when *Tiberius*, the Son of *Drusus*, a *minor*, was left Copartner with *Caligula*, in the right of the Empire, by the will of *Tiberius* the deceased Emperour; *Caligula* by this subtil and wicked method, brought him to be so under his immediate government, as to have oppor-

Phil. de
Leg. ad
Catum.

opportunity to destroy him, by taking Sect. 3.
him to be his *adopted Son*. And as the
paternal power must be preserved, so like-
wise whatsoever *officers*, or order of men,
Christ hath committed his authority unto
in his Church, this authority doth fully
still remain and reside in them; and as it
is not *derived* from any temporal power,
neither may it be *taken away* or abolished
thereby. But the supreme civil govern-
ment, hath in all these things a right and
authority, of *enjoining* to every one the
performance of their duty, and also of *de-*
termining many particularities, which have
relation to these general heads, and to *pu-*
nish irregular exorbitances and miscar-
riages.

V. Thorn-
dike, *Rights*
of the
Church,
Ch. 4. p.
168.

SECT. III.

*The declaration of this sense by publick au-
thority, observed.*

I. Though these things might of them-
selves seem clear enough, we have yet fur-
ther two *authentick expositions* of this
supremacy in causes Ecclesiastical, confirm-
ed by the greatest *authority* of this Church,
and Realm. The former with a particular
respect to the Oath of Supremacy, was at
first published in the *Queens Injunctions*.

C

There

B. I. C. I. There the Queen disclaiming all authority,
In the Admonition to simple people deceived by malicious. of *ministring* divine offices in the Church, as that which cannot by any equity of words or good sense, be intended by the Oath; doth declare, that no other duty or allegiance, is meant or intended by the Oath, nor any other authority challenged therein, than what was challenged by King Hen. 8. and King Edw. 6. and which is, and was due to the Imperial Crown of this Realm (the more particular explication of which, followeth in these words) that is, under God to have the Sovereignty and rule, over all manner of persons, born within these her Realms, Dominions and Countries, of what estate, either Ecclesiastical or temporal, soever they be, so as no other foreign power shall have, or ought to have any superiority over them. And then it follows, and if any person shall accept the same Oath, with this interpretation, sense and meaning, her Majesty is well pleased to accept every such person in that behalf, as her good and obedient subjects.

2. But this explication received a more solemn and ample publick Sanction, by a statute law, not long after the publication of these injunctions. Therein it was enacted, that the Oath of Supremacy, should be taken and expounded, in such form, as
 is

5 Eliz. I.

is set forth in an admonition, annexed Sect. 3. to the Queens Injunctions, in the first year of her Reign; that is to say, to confess and acknowledge in her Majesty, her Heirs and Successors, none other authority, than that was challenged and lately used, by the noble King Henry the Eighth, and King Edward the Sixth, as in the same admonition it plainly may appear.

3. The other publickly acknowledged exposition, of the sense of this Supremacy, is in the Articles of the Church of England, agreed on in the Convocation, and confirmed or established by a legal Sanction. Therein are these words, *Where we attribute to the Queens Majesty, the chief Government, by which title, we understand the minds of some slanderous folk to be offended, we give not our Princes the ministering of Gods word, or of the Sacraments, the which thing the Injunctions set forth by Elizabeth our Queen, do most plainly testify; but that only prerogative, which we see to have been given alway, to all godly Princes in holy Scripture, by God himself, that is, that they should rule all estates and degrees, committed to their charge by God, whether they be Ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil doers.*

13 Eliz. 12.
Artic. 37.

C 2

4. And

B. I. C. I.

4. And when Bishop *Usher* in his Speech at the sentencing some *Recusants*, in the *Castle Chamber* at *Dublin* explained the Kings Supremacy, according to this *Article* of our Church; King *James* so approved his explication thereof, that he returned him particular thanks for the same, which is printed with his speech. And the Bishop therein plainly asserted, that God had established two distinct powers on earth; the one of the Keyes, committed to the Church; and the other of the Sword, which is committed to the civil Magistrate and by which the King governeth. And therewith he declareth, that as the spiritual Rulers, have not only respect to the first table, but to the second; so the Magistrates power, hath not only respect to the second table, but also to the first.

At the end
of his An-
swer to the
Jesuits
Challenge.

5. From all this we have this plain sense, That the King is supreme Governour (that is under God, say the Injunctions, and with the civil Sword say the Articles) as well in all spiritual or Ecclesiastical things or causes as temporal; that is, he hath the Sovereignty and rule over all manner of persons born in these Dominions of what estate soever, either Ecclesiastical or temporal, say the Injunctions, and to the same purpose the Articles. Only here we must observe, that the King's being supreme Governour

vernour in *all things and causes*; is one Sect. 3.
and the same thing, with his having the
chief Government over *the persons* of *all*
his subjects, with respect to their places,
actions, and employments; and therefore
is well explained thereby. For it must ne-
cessarily be the same thing, to have the
command or oversight of any *Officer*, sub-
ject, or servant, about his business; and to
have a command or oversight concerning
the *business* in which he is to be employ-
ed: and the same is to be said concerning
the power of examining their cases, or pu-
nishing neglects and offences.

6. And from hence we may take an ac-
count, of the true sense of that title, used
by King *Henr. 8.* and King *Edw. 6.* of *su-*
preme head of the Church of England. This
stile was much misunderstood by divers
Foreigners, seemed not pleasing to Bishop
Juel, and some others of our own Church,
was well and wisely changed by our Go-
vernours, and hath been out of date for
above six score years past. And though this
title was first given to King *Hen. 8.* by a
Convocation and Parliament of the Ro-
man Communion, it was used all King *Ed-*
wards days, and then owned even in the
book of Articles. And the true intended
sense, from the expressions above mention-
ed, appeareth manifestly to be this, to ac-

*Of supreme
head of the
Church of
England.
Dej. of A-
pol. Part 5.
Ch. 11.
div. 1.*

*Tit. Of the
civil Ma-
gistrate.*

B. 1. C. 1. knowledge the King to be *head or chief Governour*, even in Ecclesiastical things, of that number of Christians, or that part of the Catholick Church, who reside in these Realms, and are subjects to his Crown, even as *Saul* by being anointed King, was made *head of the tribes of Israel*, 1 Sam. 15. 17. And according to this sense, the use of this title, was allowed and justified by very worthy men, such as Bishop *Whitgift*, Bishop *Saunderson*, Mr *Mason*, and others. And to this end and purpose, it is the just right of the King of *England*, to own himself the *supreme Governour of the Church of England*, which was a stile sometime used, by our pious and gracious King *Charles the First*, in his publick *Declaration* about Ecclesiastical things, but with due respect to the Ecclesiastical Officers.

Wh. Treat.
8. ch. 1.
div. 4.
Bishop
Saund. E-
piscop. not
prejud. to
reg. p. 130,
131.
Mas. de
Min. Ang-
lic. l. 3 c. 4.

Declar. be-
fore 39.
Articles.

24. Apost.
24.

7. In the ancient Church, it was not unusual for him, who had the chief pre-eminence over a Province, or a considerable part of the Christian Church, to be owned as their head: whence in the ancient *Collection* or *Code* called the *Canons of the Apostles*, the chief Bishop in every Nation, was required to be esteemed by the rest *ὡς κεφαλὴ*, as their head. And that Bishops may be called *heads* of their Churches, is asserted by *Gregorius de Valentia*,

lencia, from the expreffion of Scripture lately mentioned concerning *Saul*, which yet muft more directly and immediately prove, that title to be applicable to a *Sovereign Prince*. And as the name of *head*, is only taken for a chief and governing member, the Author of the Annotations upon the Epiftles, under *S. Hierom's* name, was not afraid of this expreffion, *Sacerdos caput Ecclefie, the Priest is the head of the Church.* Sect. 3.
Tom. 4.
Disp. 1. qu.
8. punct. 4.

In 1 Cor.
12.

8. And though that Statute, whereby the title of *supreme head* of the Church of *England*, was yielded to King *Hen. 8.* doth assert the Kings power to correct and amend, by *spiritual authority and Jurisdiction*; yet that this was intended only objectively, concerning his government in *spiritual and Ecclesiastical things* and caufes, or his feeing thefe things be done by *Ecclesiastical Officers*; and was only fo claimed and ufed, we have further plain evidence, both concerning the time of King *Hen. 8.* and King *Edw. 6.* Under the Reign of King *Hen. 8.* by his particular command, for the acquainting his fubjects with fuch truths, as they ought to profefs, was published a Book, called, *The Institution of a Chriftian man*, which was fubfcribed by twenty one Bifhops, and divers others of the Clergy, and the Pro-

B. I. C. I. fessors of Civil and Canon law; and in
Of the Sacr. the dedication thereof to the King, by
of Orders. them all is given to him this title of *Supreme head in Earth, immediately under Christ, of the Church of England.* In this Book, besides very many other things to the same purpose, it is asserted, *That Christ and his Apostles did institute and ordain in the new Testament, that besides the civil powers and governance of Kings and Princes (which is called potestas gladii, the power of the Sword) there should also be continually in the Church militant, certain other Ministers or Officers, which should have special power, authority, and commission under Christ, to preach and teach the word of God, ----- to dispense and administer the Sacraments, ---- to loose and absolve, ---- to bind and to excommunicate, ----- to order and consecrate others in the same room, Order and Office.* And again, *This said power and administration, in some places is called claves, five potestas clavium, that is to say, the Keys, or the power of the Keys, whereby is signified a certain limited office, restrained unto the execution of a special function or ministration.* And yet further we have therein this very clear passage, *That this office, this power and authority, was committed and given*
by

f. 40.

f. 41.

by Christ and his Apostles, unto certain persons only, that is to say, unto Priests or Bishops, whom they did elect, call and admit thereto, by their prayer and imposition of their hands. Sect. 3.

9. And concerning the office and power of Kings, the Doctrine and positions then received were such as these, which are in that Book expressed, That f. 49. God constituted and ordained, the authority of Christen Kings and Princes, to be the most high and supreme, above all other powers and offices, in the regiment and governance of his People. Unto them of f. 50. right and by Gods commandment it belongeth, principally to defend the faith of Christ and his Religion, ----- and to abolish all abuses, heresies and idolatries. Notwithstanding we may not think, that it doth appertain unto the office of Kings and Princes, to preach and teach, to administer the Sacraments, to absolve, to excommunicate, and such other things, belonging to the office and administration of Bishops and Priests; but we must think and believe, that God hath made Christian Kings to be as the chief heads and over lookers, over the said Priests and Bishops, to cause them to administer their office and power committed unto them purely and sincerely; and in case they shall

B. I. C. 1. *shall be negligent in any part thereof, to cause them to supply and repair the same again.*

10. And for the time of King Edward, it is manifest from the Book of *Ordination*, that the offices of *Bishop*, *Priest*, and *Deacon*, the power of *remitting* and *retaining* sins, and the *Pastoral* authority in the Church, was accounted by ordination to be committed to those persons only, who receive such ordination. And in his time, the royal authority and dignity is described, and asserted in his *Injunctions*, in the very same words, whereby it is declared in the *Injunctions* of *Queen Elizabeth* and no otherwise; and almost in the same phrases which are made use of in our *Canons*: *i. e.* that the Kings power within his *Realms* and *Dominions*, *is the highest power under God, to whom all men within the same Realms and Dominions, by Gods law owe most loyalty and obedience, afore and above all other powers and potentates upon earth.*

K. Edw.
Inj. 1.

Qu. Elizab.
Injunct. 1.

Can. 1.
1603.

11. Now these things do clearly manifest, that the *spiritual* authority of the Clergy, was both in King *Hen.* and King *Edwards* Reign, owned to be really distinct from the *secular* authority, and was not swallowed up into it. And this I have the rather taken notice of, because it gives

us

us a clearer prospect into the plain sense of Sect. 4. the interpretation of the Kings Supremacy, as it was declared in the *Admonition*, annexed to the Queens injunctions, unto which the explication of the *statute*, and *Articles* do refer. And what is herein observed, from the *Institution of a Christian man*, is the more considerable, because that Book was then designed by the King and Bishops, as a guide to direct the Bishops and Preachers, what they should teach the people *committed to their spiritual charge*, as is very often expressed throughout the whole Book, almost in every leaf of a great part thereof.

SECT. IV.

The spiritual authority of the Ecclesiastical Officers, is of a distinct nature from the secular power, and is no way prejudicial to Royal Supremacy.

1. The wisdom and goodness of God is eminently conspicuous, both in *founding his Church*, and establishing an Ecclesiastical Society and authority, and also in ordering *a civil polity* in the world. And these two things were well observed by *Justinian*, to be high instances of the great goodness and bounty of God towards men;
Maxima

B.I.C. 1. *Maxima inter homines dona Dei sunt, à*
 Novel. 6. *superna collata clementia, sacerdotium &*
imperium. And these two being both of
 them from God, do not, if rightly under-
 stood, clash with, but are useful and help-
 ful to one another.

of old the
 same person
 of King
 and Priest.

2. Whilst God was worshipped only in
 some particular Families, of the *holy Patri-*
archs, he who was the *chief Governour*
 of those Societies, was also in the place of
 a *Priest* to that Family, whence *Noah*,
Abraham and *Job* offered Sacrifice. And
 in those ancient times, in some *principalities*,
 the same person was King and Priest;
 as *Melchisedec* was both *King of Salem*,
 and *Priest of the most high God*; and כהן
 which in the *Hebrew* is the ordinary word
 to express a Priest, doth also signify a
 Prince. And *Moses* himself before the Jewish
 Government was compleatly formed,
 sustained the office both of a Prince and a
 Priest; whence *Philo* in his description of
 a compleat Governour, maketh the *Priest-*
hood to reside in him, as then it was in
Moses.

Phil. de
 vit. Mos. l.
 3. p. 681.

3. And from the traditions of the ancient
 times, the general custom of divers
Pagan Nations might have its original,
 who in several distant parts of the World,
 conjoined in the same person the *royal au-*
thority, and the *Priesthood*. This was
 done,

done, saith *Clemens Alexandrinus*, by Sect. 4.
those who were the wisest of them; and is Cl. Alex.
particularly averred by *Diodorus Siculus* Str. l. 7. p.
concerning the ancient *Ethiopians*; and 720.
of the *Egyptians* also by *Ælianus*, as also Diod. Sic.
by *Plato in Politic.* and by *Synesius Ep.* l. 3. c. 1.
121. And that *Jethro*, *Moses* his Father in Ælian.
Law, was both King and Priest, is expres- Var. Hist.
sed by *Ezekielus*, a Poet of Jewish Ex- l. 14. c. 34.
traction, in some Verses mentioned by *Eusebius*. Enf. Pr,
That the same usage did sometimes Evang. l. 9.
take place among the *Tyrians* of old, c. 28.
appears from *Josephus*; and in the time of Cont. Ap.
Æneas his travels, after the destruction of l. 1.
Troy, at *Delos*, there was, saith *Virgil*, *Rex* Virg.
idem hominum, *Phœbique sacerdos*. *Enclid.* 3.
The Pagan Emperours at *Rome*, had likewise
the Office of *Pontifex Maximus*, and used
this title in several Edicts, as part of their
stile of dignity, of which we have a plain
instance in *Eusebius*, concerning *Galerius*
Maximinus, and *Constantius*. This was
also ordinarily impressed upon their *coins*,
where sometimes the proper *imperial* title
was stamped on the one side, and that of
Pontifex Maximus on the other, as ap-
pears in that Medal exhibited to this pur-
pose, by *Marquardus Freherus*. And that
Cyrus the King of *Persia*, did himself both
Sacrifice, and annex his Prayers therewith,
is observed by *Xenophon*. And there are
several

M. Freb.
Tr. de Nu-
mism. cen-
sus.
Xenoph.
de Inst.
Cyr. l. 2,
3, 8.

B. I. C. I. several learned men who assert, that this title of *Pontifex Maximus* was retained, as an ordinary part of the *Imperial stile*, even by the first Christian Emperours, until the time of *Gratian*, who according to the testimony of *Zosimus*, is said to have rejected it, as unsuitable to Christianity. And it is certain, that this title was given to some of them, and even to *Gratian* himself as well, and as oft as to any other, in some few publick inscriptions, which are urged to this purpose by *Baronius* and *Selden*. But as these inscriptions were probably ordered by others, and not by these Christian Emperours themselves; so we have this evidence, that none of these Emperours affected, or ordinarily used this title, if they did at all own it, not only in that *Gratian* openly declared against it, but also, 1. In that none of them used it in any of their publick *edicts*, as was done usually by the Pagan Emperours. 2. Nor so far as can be collected from the various medals stamped in their times, did they make use thereof as the Pagan Emperours had done, in any of their Coins, which M^r *Selden* acknowledgeth. 3. It is mentioned by *Sozomen*, as one of the notes of *Julians* forsaking Christianity, that he called himself ἀρχιερεῖα, or the *Pontifex*.

4. But

Seld. ibid.

Zozom.

Hist. Eccl.

l. 5. c. 1.

4. But when God eminently revealing his will by *Moses*, had formed a more publick, ample, and visible establishment of a Church in the World, under the *Jewish dispensation*, than was before it, be then divided the Kingly authority and the Priesthood, into distinct hands. And nothing is more manifest, than that under Judaism, the Priesthood was fixed in the Family of Aaron, Ex. 28. 1. ch. 40. 15. And when *Corah*, who was of the chief Family of the *Levites*, which had the charge of the most holy things, (Num. 16. 1. compared with Num. 4. 4. &c.) and his Company, undertook presumptuously to invade this office, they were punished with severe, dreadful, and miraculous judgments, in that the earth opened its mouth, and swallowed up the Company of *Corah*, Num. 16. 32. 33. and the fire that came out from the Lord, consumed the two hundred and fifty men that offered incense, v. 35. and as the ancient Jewish Writers tell us, there was not any member of these men remaining, which could receive a Burial; and from hence the Jews received a strict admonition, that no man whosoever who was not of the seed of Aaron, should come near to offer incense before the Lord, v. 40. And this peculiar privilege of the Family of Aaron, was further confirmed,

by

Sect. 4.

Ecclesiastical and civil power, separated in the old Testament.

Josep. Ant. Jud. l. 4. c. 3. Phil. de vit. Mos. l. 3. p. 693.

B.1.C.1. by the miracle of *Aarons rod blossoming*,
Num. 17. 1.---10.

5. And that the *King* and *chief ruler* among the *Jews*, being not of the line of *Aaron*, might not intermeddle with the execution of this *Priestly Office*, is manifest, besides the general rules of the law, from other special instances. For when
 1 Sam. 13, 9, 13, 14. *Saul* undertook to offer *Sacrifice*, he was sharply rebuked by *Samuel*, and thereupon God denounced this heavy judgment against him, that his *Kingdom* must not continue. And when *Uzziab* attempted to offer incense, he was smitten with *leprosy*
 Ant. Jud. l. 9. c. 11. for this transgression, 2 Chr. 26. 16, 22. to which *Josephus* addeth other testimonies of the divine displeasure against him, and telleth us that this judgment upon *Uzziab*, was inflicted on one of their solemn *Feast-days*; which, if it was so, might render it the more remarkable.

6. And the reason why God fixed the *Priesthood* in the *Family of Aaron*, and not in *Moses*, and the *successive Government*; was not chiefly, as *Josephus* representeth *Moses* to speak, from the worth and desert of *Aaron*: But it tended much to excite the greater reverence and awe, towards the Majesty of God, and an higher *veneration* for the offices of Religion, that no person, no not the highest among
 Ant. l. 3. c. 10. men,

men, might perform these sacred offices, of Sect. 4.
 approaching to God by offering Sacrifices
 and Oblations, save only those persons,
 whom God had particularly set apart for
 that purpose. And withall the Priest
 blessing in the name of the Lord, and espe-
 cially *Aarons* putting the sins of the peo-
 ple upon the head of the *live-Goat*, *Lev.*
16. 21, 22. which included the applying
 Gods pardon to them, and other *Priestly*
performances; which were not mere acti-
 ons of natural Religion, but depended up-
 on *Gods institution*, could not be per-
 formed, but by an especial and peculiat
 authority derived from God to that in-
 tent, or in the language of the Apostle,
Heb. 5. 3. No man taketh this honour to
himself, but he that is called of God, as
was Aaron.

7. And in the state of *Christianity*, as *And under*
 Christ hath established the Officers of his *the Gospel.*
 Church, so there seemeth rather more rea-
 son, for the peculiar *distinct institution*
 of these *Officers*, under the Christian
 Church, than under the Jewish. For while
 the Jewish Priests chiefly acted for men
towards God, in Sacrifices and Oblations,
 the Christian Officers do in more things
 than they did, act *from God* and in his
 name towards men; which in the nature
 of the thing, doth more especially require

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an

B.I.C.I. an authority, peculiarly received from God. For who can *deprive* any person, of the *communion* of that Society which Christ hath founded, or receive and restore them unto it, but by the authority which he hath appointed? Or how can any persons *consecrate Symbols*, and dispense them, as sealing the Covenant of grace, and exhibiting from Christ, the blessings and benefits thereof to the due receivers; unless they be those, who have received Commission from him to this purpose? Or who can *pronounce absolution* in Christs name (which is also implicitly included, in the administration of the Sacraments, and other ministerial Offices) unless he hath given them such particular authority? And the same may be said of solemn Ecclesiastical *benedictions*, with imposition of hands, and particularly of the *ordination* of such Officers in the Christian Church, who are to be invested with this authority.

8. And that this Ecclesiastical authority under the Gospel should be committed to *peculiar Officers*, and not fixed in them who have the civil power, is that which the wisdom of our Saviour hath appointed, who did not call secular rulers to be his Apostles. This was partly requisite, because there are *different qualifications*, to fit

fit persons for secular government, and for Sect. 4.
 presiding in the Church; and because the
 Christian Church being called to take up
 the *Cross*, should not be destitute of its
 guides in a time of *persecution*, when it
 may need them most. But this also maketh
 the *communion of the Church* it self, as
 it is a peculiar Christian Society, and its
 dependance on the grace of God, and its
 relation to him, to be the more visible and
 remarkable, by the distinct Officers and
 authority, constituted to *dispense* the my-
 steries of his grace. And it tendeth also to
 conciliate amb higher honour and venerati-
 on, for the particular institutions of God
 and our Saviour, in the new Covenant,
 in that the *administration* of them, is the
 proper designed work, of such *peculiar*
officers of his appointment. And there-
 fore if any would make the Ecclesiastical
 offices, to be an authority appendent or
 annexed unto the civil, he undertakes to
 unite those things which are in *Synesius* Synes. Ep.
 his phrase, ἀσύνχλωστα, such as cannot be
 knit or woven into one another.

9. But it is to be observed, that though
 these offices be so distinct, that none ought
 to perform the Ecclesiastical ministrati-
 ons, but they who are ordained thereto,
 and that no Ecclesiastical person hath any
 civil power, by mere vertue of his Ec-
 clesiastical

Ecclesiasti-
 cal Officers
 not exclu-
 ded from
 ail civil
 Govern-
 ment.

B. 1. C. 1. ecclesiastical office; and though the intermedling with such matters of civil affairs as in the nature of them are unsuitable to the Clergy, are reasonably *prohibited* by the ancient *Canons*: yet it would be against all reason to imagine, that all civil Government because civil and political, is inconsistent with the state of an Ecclesiastical person, since he is a part also of the civil Society, or the body politick. In the Jewish state, in some extraordinary cases, that was very true which *Synesius* observed, that the chief secular power was in the *Priest*; so it was under the government of *Eli*, in the days of the *Maccabees*, and the succeeding times, when *Aristobulus* is observed by *S. Hierome*, to be the first who there joined the royal authority and diadem, with the Priesthood. But even under the reign of *David*, the *Levites*; and in the time of *Jehosaphat*, the *Priests* and *Levites* are plainly according to the law declared to have been appointed, for Judges and Officers of the Realm, 1 *Chr.* 26. 29---32. 2. *Chr.* 19. 8. and many other expressions of the Old Testament, are interpreted by Mr *Thorndike* to import the same, concerning other times of the Jewish Government. And in the time of Christianity, I suppose no man will doubt, but that according to the Command

Syn. Ep.
121.

Hier. in
Dan. 9.

Deut. 17.
v. 8.---12.

Of Religi-
ous Assem-
bl. c. 2.

mand of the Apostle, those who are Officers in the Church, ought to take care of the Government of their own *Families*, which is a civil affair and authority. And whilst the Church was under Pagan Princes, it was usual for the Officers thereof to sit in judgment, to *decide* all matters of *controversy* among Christians: which was according to the direction of our Saviour, *Mat.* 18. 17. and of his Apostle, *1 Cor.* 6. as I shall in another place take notice. And the *making peace* and deciding differences, was thought a work so well becoming such persons, and was so usually practised by them, about *S. Austins* time, that he mentions these things as those, the hearing and determining of which, took up a considerable portion of his time. And nothing is more manifest, than that divers Imperial Edicts of pious Princes, did peculiarly reserve the cognisance of most causes relating to the *Clergy*, besides others, to the hearing and decision of the Bishop. And as Ecclesiastical Officers are members of the Community, and subjects to their Prince, it is very allowable, that they should so far as they can, be every way useful unto both, and thereby also to the Churches good.

10. But this distinct *constitution of the Church* and its Officers, is no diminution

D 3

of

V. Const.
Apostol. l.
2. c. 46.
Ch. 5. & 6.

Aug. de
Oper. Ma-
nach. c. 29.
Posid. de
Vit. Aug.
c. 19.

Sozom. l.
1. c. 9.
Cod. l. 1.
Tit. 4. leg.
7, 8.
Novel. 83.
& 86, &
123.

A distinct
Ecclesiasti-
cal power
no prejudice
to the civil.

B. I. C. I. of the civil authority and its supremacy, but rather an enlargement thereof, and an advancement of its dignity. For the whole state of the Christian Church, is founded in the *superabundant* grace, and favour of God towards man; and the Ecclesiastical authority of its Officers, being the *ministry of reconciliation*, is quite of a different nature from secular power, being wholly superadded over and above it, and without any infringement thereof. And hereupon the whole power of the Church, is by some Writers termed a *cumulative*, and not a *privative* power, as taking nothing from the civil; and the same terms are used, concerning the right of the secular power, in matters Ecclesiastical, as being without any abatement of the proper spiritual power. Yea, the whole *civil authority* towards all subjects whatsoever, doth not only still remain *intire* to the secular Ruler, but he also receiveth this *accession* thereunto, from the constitution of Christianity, that the object of his government is so far *enlarged* thereby, that he hath a right of *inspection and care*, even of those matters, which the grace of God, or the Gospel dispensation hath established. And this doth also so much the more exalt his *honour and dignity*, in that not only all subjects, in their general capacity as
such,

Right of
the Church,
ch. 4. p.
168.
Review
ch. 1. p. 13.
Didocl.
Alt. Dam.
cap. 1. p.
15.

such, are obliged to submit themselves to Sect. 5. their Kings and Princes; but that even those *Officers* of the Church, which in their Realms are *established*, by the peculiar appointment of Jesus Christ, the King of Kings, are also included under this duty, and are not the less *subjects*, notwithstanding their relation to the *Church*. To which I may add, that there are peculiar arguments, for *honour and reverence* unto Rulers, which the doctrine of the Christian Church affordeth.

SECT. V.

A particular account of this Supremacy, in some chief matters Ecclesiastical, with some notice of the opposition which is made thereto.

To give a more particular account of Supremacy, in some chief matters Ecclesiastical, we may observe, 1. That though the *power of the Keys*, in admitting any person into, rejecting him from, or guiding him in the Communion of the Church, as a Society founded by Christ; and the dispensing Christian mysteries, can be exercised by none, but the particular Officers of Christs Church, to whom it is committed; yet the Prince may *command* them

The Princes care about the power of the Keys.

B. I. C. I. them to mind and do *their duty* therein , and if need so require , punish their neglect. Indeed it belongeth to the Ecclesiastical power to *determine rules* , for the due exercise of the *power of the Keys* ; and the ordering such rules is part of that power , which hath been frequently exercised in very many *Canons* of several Councils. But the sovereign power hath a right to take care , that these rules of Government

Cod. l. 1.
Tit. 3. l. 3.
Nov. 6. &
123.

be practised and observed. And the *establishing laws* of this nature , was very frequent , both in the Empire , and in other Christian Kingdoms : and those of *Justinian* have been especially taken notice of to this purpose. And though the later *Canonists* do broadly *censure* him , as interfering too far in Church affairs ; yet *Baronius* himself is here so modest , as to allow that there is much in this particular to be said in his excuse ; and the late learned Archbishop of *Paris* hath sufficiently shewed , that the more ancient Bishops , Patriarchs and Councils , did *applaud and honour* these his Constitutions in things Ecclesiastical.

Annal. Ecclef. An.
528. n. 1.

P de Marca,
de Concord. Sa-
cerd. &
Imp. l. 2.
cap. 10.

And the
worship of
God.

2. 2. Touching the *worship of God* , since the divine establishment of the publick *Christian service* , is contained in the Gospel , no authority upon earth hath any right to prohibit this. And those Christians ,

ans, who rightly *worship God*, in the true Sect. 5.
 Catholick Communion, according to the
 Apostolical and Primitive Church, have a
 right to *bold such assemblies* for the Chri-
 stian worship, as appear useful for the
 Churches good, though this should be a-
 gainst the interdict of the civil power. As
 this is well and largely asserted by Mr
Thorndike, so was it practised by the
 Christians under their Persecutions, and
 even by the *Catholick Bishops* under the
 Arian Emperours. But the Sovereign Ru-
 ler hath a right to promote this publick
 worship, and to *establisb* it by a civil San-
 ction, to protect the Church therein, and
 to punish those who neglect it, and in this
 sense Princes are, as *Amalarinus* stiled *Lu-*
dovicus Pius, Rectores totius Religionis
Christiane, quantum ad homines perti-
net; Governours in what relate to the Re-
ligion and worship of Christianity. And
 the civil Ruler hath also a right to oppose
 those, who are guilty of *schisms*, and oc-
 casion *unchristian divisions* in the pub-
 lick worship of God, and in so doing S.
Austin undertakes to warrant him, as well
 he may, from the doctrine of the Apostle.
 That *he who resisteth the power resisteth the*
ordinance of God, and they that resist re-
ceive to themselves damnation, that he is
a terror to evil works, and a revenger

Right of
the Church,
Ch. 1. p.
4. &c.

Amal.
Præf. lib.
de Ecclesi.
Offic.

Aug. Ep.
164.

B.1.C.1. to execute wrath on him who doth evil :
tota igitur questio est (saith he) *utrum*
nihil mali sit schisma; the only thing to
 be enquired into in this case is, whether
 there be no evil in the sin of Schism. And
 though the method and rule of the publick
 worship it self, is to be determined by the
 Ecclesiastical Officers, to whose immediate
 care the Church is committed; yet the
 secular power hath a right to see that this
 be done, to establish such orders of worship
 by their Sanctions, to provide for their due
 observance, and that they may be perform-
 ed without disturbance. And such things
 at these were established by the Imperial
 law.

Cod. l. 1.
 Tit. 3. l.
 10.

And the
 doctrine of
 Christiani-
 ty.

3. 3. Concerning the Christian do-
 ctrine and profession, though no authority
 hath any right to oppose any part of the
 Christian truth; Princes may and ought
 to take care of the true profession thereof
 in their Dominions, and to suppress such
 dangerous errors as are manifestly contrary
 thereunto; as was done by the pious Em-
 perours in the ancient Church, against
 Arianisme, Donatisme, Manicheism, and
 other Heresies. But in cases of difficulty,
 for the deciding or ending of controversies,
 about matters of faith, the disquisition and
 Resolution of the spiritual guides ought
 to take place and to be embraced; be-
 cause

Cod. l. 1.
 Tit. 1. & G.
 Novel.
 132.

cause they are by their office *Pastors and Sect. 5.*
Teachers, and their joint and regular de-
 terminations of great moment for the
 Churches peace; and also because the
 Church as a Christian Society (and there-
 fore the guides and Officers thereof, in the
 first place) is *the pillar and ground of*
truth, 1 Tim. 3. 15. Upon this account
 were many ancient Councils convened, Euf. de
 Vit. Const.
 l. 3. c. 16.
 Cod. ubi.
 sup. Novel.
 131.
 and even the first general Council of *Nice*.
 And accordingly hath the doctrine esta-
 blished in the four first general Councils,
 been constantly received in the Christian
 Church: hence also both the *Imperial*
law and the *Canonical decrees*, reverence Dist. 15. c.
 sicut. & c.
 Sancta.
 the doctrine of these Councils, *tanquam*
sacras scripturas, and a very high respect
 is given to them in our *English laws*. And
 the *Arian* Emperours who lived after the
 Council of *Nice*, could not by their *Impe-*
rial power, null its *decision of doctrine*,
 after its plenary establishment and confir-
 mation. But in such cases the Catholick v. Ch. 5.
 Sect. 1, 2,
 3.
 Christian Emperours, did by their autho-
 rity *establish* the decisions of the Oecume-
 nical Councils. And as it is no abatement
 of the Royal Supremacy in civil matters,
 that when controversies are determined
 by *able Judges*, and sometimes by a *con-*
sultation of many of those Sages, their de-
 terminations should be established by the
 royal

B. I. C. I. royal power; no more is the like proceeding in matters of Religion, any diminution of the royal power, when the regular *determinations* of *Catholick Councils* are owned thereby: but this method of proceeding doth in both the cases mentioned, evidence that the royal power is exercised with due Christian care, for the best attaining the designed end. But in matters of *truth* which are plain and *manifest*, from the holy Scriptures themselves, and the primitive Christian Doctrine, or the Declarations of approved Councils agreeing therewith; the secular Governour so far as is necessary, may proceed upon the evidence thereof to his own understanding.

Supremacy
concerning
order, de-
cency, and
peace in the
Church.

4. 4. In establishing rules and *Constitutions for order*, decency, and peace, it belongeth to the Ecclesiastical Officers, who are Guides and Overseers of the Church, to *consult*, advise, and take care thereof, and this was a great part of the business of many ancient Councils, and the Canons thereof. But yet this is with such dependance upon the regal power, as I cannot better express, than in the words of our late Sovereign King *Charles the First*. If, saith he, *any difference* (in the Church of *England*) *arise about the external policy, concerning Injunctions, Canons, or other Constitutions*

Decl. before
39. Articl.

tions whatsoever thereto belonging, the Sect. 5.
 Clergy in their Convocation is to order
 and settle them, having first obtained
 leave under our broad Seal so to do, and
 we approving their said Ordinances and
 Constitutions, providing that none be
 made contrary to the laws and customs of
 the land. But in such an extraordinary
 case, as that in the primitive times was,
 when the civil power will not own the
 Church, the Ecclesiastical Governours by
 their own authority, may establish neces-
 sary rules of order, as was then done. But
 since the external Sanction of such things,
 doth flow from the general nature of power
 and authority; wheresoever the temporal
 power will take that care of the Church
 which it ought, it hath a right to give its
 establishment to such Constitutions; and
 the Ecclesiastical Officers as subjects, are
 bound to apply themselves thereto, for
 the obtaining it. And as the Canons of
 Councils were usually confirmed by pious
 Princes, so the Constitutions of the Impe-
 rial law, did require the Canons to be ob-
 served as laws.

Nov. 6. &
 131. Cod.
 l. 1. Tit. 2.
 l. 6, 12.

5. 5. The calling of Councils, so far
 as is needful for the preservation of the
 peace and order of the Church, may be
 performed as the former, by Ecclesiastical
 Officers, where the civil disowneth the
 Church.

And the
 calling of
 Councils.

B. 1. C. 1. Church. But this being no particular exercise of the *power of the Keys*, but only of a general authority, doth peculiarly belong to the *Prince or supreme governor*, if he will make use thereof, as hath been declared by the chief persons of this Church. And the ancient right and exercise of the authority of Kings, in summoning provincial or national Councils, is sufficiently observed and asserted by *P. de Marca*.

Can. 1.
1640.

De Conc.
Sac. & Imp.
l 6. c. 18,
19, 22, 23,
24, &c.
*The Kings
just author-
ity in
matters
Ecclesiasti-
cal opposed.*

6. But against these just rights of the Princes power, there are various oppositions. Such are the claims of the *Romish Bishop's Universal Supremacy*, either in all affairs, or at least in all things Spiritual and Ecclesiastical; as also the pretence for the necessity of *general liberty*, and exemption from all authority in matters of Conscience and Religion, which things I shall so far as is needful, in due place particularly consider.

Ch. 6. & 8.

7. The Writers of the Romish Church, do 1. generally assert (and some other parties also encline the same way) that the *State of the Church*, and all *Ecclesiastical affairs*, are exempt from the civil power, and not under the inspection and government thereof; and that the *Clergy* as such, are not subjects to the secular Government; and that they are not accountable before him;

1.
V. l. 2. De-
cretal. l. ii.
de Jud. c.
At fi cleri-
ci. c. Cle-
rici. Tit.
de foro
comp c. fi
diligenti.
Bellar. de
Cler. c. 28.

him ; no not so much, say divers of them, as in *criminal causes*, nor yet in *civil*.
 2. Not only the Canonists, but many others also, do found this *Ecclesiastical immunity* upon a proper *divine right*, which is also asserted by some of the Romish Bishops, in such Councils as they call General. And some of their Writers run so high as *Layman Theol. Moral. l. 1. Tr. 4. cap. 13.* and divers others by him there cited, as to assert that no civil or secular laws, do lay any *obligation directly* upon the Clergy, as having no authority over them. But if I shall shew that all members of the *Christian Church*, are nevertheless *subjects* of the Realm, and that the nature of *civil Sovereignty*, doth directly include a right to govern them, and an obligation to take care of the *affairs of the Church*, this will sufficiently refute these contrary positions.

8. But these Writers are sensible, that in the *general practice* of the Christian World, almost in all ages thereof, secular Governours have interposed in many cases Ecclesiastical. And the great advantages, from *Christian Religion* being established, and *Gentilisme* opposed, by the Laws and Constitutions of *Constantine*, and other worthy Christian Emperours, are so visible, that they cannot be denied, and therefore

Sect. 5.
 Layman. l.
 4. Tr. 9. c.
 2, 4, 5. &
 seq.
 2.
 Innoc. 3. in
 Conc. La-
 teran.
 Leo 10. in
 Bul. Re-
 form. in
 Conc. La-
 ter. 5. Sef.
 9.
 Azor.
 Tom. 1. l.
 5. c. 12.
 Laym. ubi
 sub. c. 8.
 Greg. de
 Valent.
 Tom. 4.
 disp. 9.
 qu. 5. p. 4.
 Bannes in
 2. secundæ
 qu. 67. Art.
 1. Dub. 2.

B. 1. C. 1. therefore the Romanists do acknowledge, that the Princes care of the Church affairs is of great use, and that he is as *Laelius Zecobius* expresseth it, *Ecclesiae brachium & Religionis propugnaculum*; the arm and defence of the Church, and the fortress of Religion. Yet that all this may be consistent with the former positions, we have another device set on foot, which acknowledgeth, that this useful power of Sovereign Princes, in things Ecclesiastical, must be owned only as a *privilege*, granted them by the *Bishop of Rome*; and that they must act therein as by his favour, and as his deputies, and by the right of *protecting the Church* which he committeth to them.

L. Zecch.
de principi
pe l. 2. cap.
5.
Greg. de
Valentia
ubi supra.
Laym. l. 4.
tr. 9. c. 10.
P. de Mar-
ca de Con-
cord. l. 1.
cap. 12. &
in Prole-
gom. p. 82.

9. Now though this pretence will fall with the former, if it be manifested that the *nature, end and constitution* of civil government, as established by God, is to be extended to *matters Ecclesiastical*; yet concerning this pretence, I shall here further note these things. 1. That they must cast reflections upon the wise and good God, who asserting the great usefulness of the *civil Ruler interposing* in matters Ecclesiastical, will not grant that the wisdom and goodness of God, should be as ready to allow the Church this advantage, as the *prudence of the Pope*. 2. That if this authority

thority in matters Ecclesiastical, be against Sect. 5.
the rules of the *divine law*, which God
hath established, for the honour and free-
dom of his Church; the Bishop of *Rome*
dealeth ill with the Church, touching its
freedoms, by giving them away, and
makes very bold with God, by daring to
confront Gods laws with his priviledges,
and *indulging* any person to disobey them.

3. That Christian Princes would be in a
very *unsafe condition*, whilest they act
any thing about the affairs of the Church,
if they have no better foundation to bear
them up, than the pretence of the Popes
power to *dispense* with the *laws of God*.
Surely had *Justinian* thought, that his *Novel. 58.*
care of the Church had been so venturous,
and hazardous an enterprize, it would
have cooled the heat of his zeal, that he
would never have professed his care for
the *Churches welfare*, to be equal to that
for his *own life*. 4. That whilest any per-
sons do think it meet, that *Princes* should
act under the Pope, as his *deputy*, in the
affairs of Religion, to whom they owe no
subjection, and from whom they receive
no ruling authority; it must certainly be
much more reasonable that they should act
under *God*, and as his *Deputies*, whose
Vice-gerents they certainly are, and from
whom I shall now design to prove them,

E

to

B. 1. C. 2. to have authority in matters Ecclesiastical.

CHAP. II.

The Royal Supremacy of Kings, in matters Ecclesiastical, under the Old Testament, considered.

SECT. I.

Their supreme authority over things and persons sacred, manifested.

Kings in the Old Testament governed about things of the Church.
Art. 37.

San. 2.

I. **T**HE inference which may be made, from the authority of the Kings, under the *Old Testament*, is an argument to which our Church hath a great respect, in asserting the Royal Supremacy in causes Ecclesiastical. In her *Articles* she declareth, this acknowledgment of Royal Supremacy, to be a *yielding that only prerogative unto our Kings, which we see to have been given always to all godly Princes in holy Scripture, by God himself.* And in her *Canons* she threatneth *excommunication*, against them who shall affirm, that the King hath not the same authority in causes

causes Ecclesiastical, that the godly Kings Sect. 1.
had among the Jews. Wherefore I shall
for the inforcing this argument, shew,
1. That the Kings of Judah had, and ex-
ercised a *supreme power of Government*,
in things belonging to the Church. 2. That
they did this by such a right, as is common
to all other *Sovereign powers*, and not by
any *peculiar privilege*; and that what-
soever difference is pretended, between
them and Christian Princes, is of no force
to exclude the latter, from enjoying the
like authority.

2. Concerning the first I shall design to *The Ark*
omit many things, but to observe so much
as is needful, under these several branches.
First, concerning the *Ark of the Covenant*.
This was in a peculiar manner *sacred*, and
none might carry it but the *Priest*, or *Le-*
vites of the Family of *Kohath*; and *Uz-*
zab died for touching it, and the men of
Bethshemesh for looking into it. It con-
tained the two *tables of the Covenant*,
which were the writing of God, was pla-
ced in the holy of holies; the top of it
was the mercy-seat, and thereupon the
Cloud which was the Symbol of divine
presence, the *peculiar Shewbread* so much
magnified by the Jewish Writers: and the
Ark and this divine presence, were two of
the five eminent things, wanting in the

Bux. Lex.
Rab. in
יחזקאל p.
2395,
2397,
2398.
L'empereur
in
Middoth.
c. 4. Sect. 5.

B.1.C 2. second temple, and there was nothing more sacred than this, in the peculiar Oeconomy of the Jewish dispensation. yet whereas the *Ark* was sometimes separated from the *tabernacle*, and the *temple*, it is evident that it was *David the King*, who ordered and appointed the removing of the *ark of God*, from *Kiriathjearim* to the House of *Obed-edom*, and from thence to the *tent*, which he had pitched for it in *Zion*, 2 *Sam.* 6. 1, 2, 10, 12. 2 *Chr.* 1. 4. and when he fled from *Absalom*, by his command to *Zadok* and *Abiathar*, the chief Priests, the *Ark of God* which did accompany him, was carried back again to *Jerusalem*, 2 *Sam.* 15. 25, 29. And it was at the command of *King Salomon*, that the *Ark* was brought from *Zion*, and placed in the temple, which he had built, 2 *Chr.* 6. 11. 1 *King* 8. 1, 4. And when amongst other corruptions in Religion, the *Ark* was removed from the *holy of holies*, it was again replaced there, by the authority of *King Josiah*, 2 *Chr.* 35. 3. So that the Kings of *Israel* and *Judah* took care of this *holy thing*, which as *Salianus* expresseth it, was *nobilissima pars sanctuarii, quasi thronus Dei, & locus unde oracula fundebantur.*

Sal. an M.
254 4. n.
431.

2d. Temple. 3. The *holy temple* was the house of God, and it with the *Altar*, were in an especial

especial manner dedicated unto God, and Sect. 1.

yet the *Kings authority* had to do with it, and the affairs thereof. The laws of God required, that the presumptuous and wilful murderer, should be *taken from Gods Altar, that he might die*, not allowing as *Philo* noteth, that the temple which was Gods holy place, should be a refuge for those unholy persons, who are enemies unto God. Whereupon by *Salomons* authority, *Joab* was commanded from the horns of the altar, 1 King 2. 30. and when he refused to come from thence, this his carriage considered, the command of *Salomon* to *Benajah* to slay him there, seemeth warranted by the law above-mentioned, and is vindicated even by *Salianus*, and *Cornelius à Lapide*. The cleansing and purging the temple from all defilement, was performed by the commandment of *Hezekiah*, 2 Chr. 25. 3, 5, 15. and the like was again done, in the reformation undertaken by *Josiah*, 2 King 23. 4, 6, 7. The repairs also of the temple, and the manner of disposing of the treasures thereof to that purpose, are taken care of by the order and command of *Joash*, 2 Chr. 24. 4, 8, 11, 12, 14. and by the commandment of *Hezekiah*, were Chambers prepared, within the limits of the temple building, for the receiving of offer-

Phil. de leg. special.

Salian. an. 3022. n. 21.
A Lapide in 3 Reg. 2. 31.

B. I. C. 2. *ings, and tithes and things dedicated,*
2 Chr. 31. 11, 13.

The Priests
and Le-
vites.

Abarbinel
in Ex. 30.
Phil. de
præm. &
pœnis.
Seld. de
Syn. l. 2.
c. 2. B. 2, 3.

4. The Kings had a manifest Sovereignty over the Priests, who were the chief officers of the temple service, yea even with respect to their service, in the worship of God. After the Priesthood was established in the Family of Aaron, Aaron himself though high Priest and elder Brother, acknowledged Moses to be his Lord, who had the secular sovereignty, is in the Scripture stiled a King in Jeshurun, and is acknowledged by the Jewish Writers to have had a royal authority, Ex. 32. 22. Num. 12. 11. And though Moses enjoyed a singular dignity, in being a divine Legislator, yet that this title was given, and was due to Moses, as chief civil Governour, is manifest, because Abimelech also the High Priest, giveth unto Saul the same title, owing him to be his Lord, and himself to be his servant, 1 Sam. 22. 12, 15. And David speaking to Zadok the Priest, taketh to himself this title of being his Lord, 1 Kin. 1. 33. and gives him a command to anoint Salomon. And it was very usual for the Kings, by their authority to command the Priests, even with respect to their temple service, and to have such commands observed, as appears in the reign of Salomon, 2 Chr. 8. 15. of Hezekiah, 2 Chr. 29. 21, 24, 27. and

27. and of *Josiah*, 2 *Chr.* 35. 10, 16. The Sect. 1. courses of the *Priests* attendance on their service, was ordered by *David*, 1 *Chr.* 24. 3. by *Salomon*, 2 *Chr.* 8. 14. and by *Hezekiah*, 2 *Chr.* 31. 2. And by the authority of *Hezekiah* and his Princes, the great *Passe-over* in the second month was observed, 2 *Chr.* 30. 2, 3, 4, 5. which was acceptable to God, v. 12, 20.

5. Wherefore that argument which some Romanists make use of, to prove that Princes have no authority over Ecclesiastical persons, because God under the Old Testament took the *Levites* to be his, and he gave them unto *Aaron* and his Sons, *Num.* 3. 9, 12. and *Num.* 8. 11--19. and therefore, say they, they were under subjection to no secular power, nor to any other save only to *Aaron* and his Successors; is a very weak inference, since the High Priests themselves were manifestly under the *Royal authority*. For this being Gods Ordinance, and his people being under its government, it can be no way incongruous, that what is his should be under the inspection of that which hath his authority. And that the *Levites* were under the Government of the Kings, is obvious from the holy Scriptures, 1 *Chr.* 15. 4, -- 11, 12.--ch. 16. 4. 2 *Chr.* 29. 30. and from many other places.

Gr. de Valent. Tom. 4. disp. 9. qu. 5. punct. 4. Lyman. The. Mor. Lib. 4. Tr. 9. c. 8. n. 2.

B. 1. C. 2.

The Prophets.

6. The Kings Sovereignty over the *Prophets*, is also very evident. For though the *Prophets* when they delivered their message from God, and in his name, might require obedience, even from *Kings*, unto the *God of Israel*; yet that themselves as subjects of the Realm, were under the Kings authority, is sufficiently testified, by the instance of the Prophet *Nathan*, besides what I shall superadd in the following Chapter. For *Nathan* acknowledged himself the *servant of David*, 1 *King* 1. 26. and that *David* was his *Lord*, v. 11. 27. and *David* owned himself to be *his Lord*, v. 33. and gave him *command* concerning the inaugurating of *Salomon*, v. 32, 33, 34. which *Nathan* observed, v. 38. And the testimony of the Jewish Rabbins, *Maimonides* and *R. Bechai*, have been by others observed, who from the example of *Nathan*, 1 *Kings* 1. 23. declare, that a Prophet is to stand before the King, and to do reverence to him, with his face to the Earth.

Schickard
de Jur.
Reg. Heb.
c. 4. Theor.
or. 13.
Carpzov.
in Schik.
ibid.

Idolatry,
&c.

7. Concerning other general and necessary matters of Religion, it is so plain from the History of the Scriptures, that idolatry, witchcraft, and other such gross pollutions, were punished and suppressed, by the authority of the good Kings, that it is needless to refer to particular places. When

When Micah and the Danites had an Sect. 1.
House of Gods, it is particularly observed
that *in those days there was no King in
Israel*, Jud. 17. 5, 6. ch. 18. 1. which
words do plainly intimate, that if there
had been then a King, or settled Govern-
our, it should have been his care to pro-
hibit, and root out such transgressions a-
gainst God; and S. Aug. asserteth, that o-
ther Kings ought to serve God as *Hezekiah*
did, who destroyed the Groves and tem-
ples of Idols. And that *Josiah* the King
was to destroy the Altar of *Bethel*, was
foretold, 1 Kings 13. 2.

Aug Epist.
ad Boni-
fac.

8. Now though most of these things,
with many others of like nature, have
been frequently observed by other Wri-
ters, yet I thought it necessary, somewhat
particularly to take notice of them, in the
management of this argument, especially
because of the opposition I must meet
with, and encounter in the following
Chapter.

9. But lest any should say, that all these
things were indeed *matters of fact*, but
undertaken without *right*, it must be fur-
ther considered, that the exercise of this
royal authority in things Ecclesiastical, was
approved and commended by God himself,
and therefore was no unjust usurpation.
Thus for instance, *Asa's* care of reforming
Religion,

Their go-
verning
herein was
approved of
God.

B.1.C.2. Religion, and establishing it throughout all *Judah*, is declared to be that which was right in the eyes of the Lord, 2 *Cbr.* 14. 2—5. and those pious acts of *Hezekiah*, and *Josiah*, for the suppressing false worship, and establishing true Religion, had an high and signal commendation from God himself, 2 *King.* 18. 3, 4, 5, 6. and *ch.* 23. 1, 2, — 25. And where there were defects in the purity of the publick worship, even this was charged as a blemish, in the government of the Kings who then reigned, as upon *Asa*, *Jehosaphat*, *Joash*, *Amaziah*, and others, 1 *Kings* 15. 4. *ch.* 22. 43. 2 *Kings* 12. 3. *ch.* 14. 4. And from hence it appears, according to what hath been declared in our Church, that the care of Gods Church is so committed to Kings in the Scripture, that they are commended when the Church keepeth the right way, and taxed when it runs amiss: and therefore her Government belongeth in chief unto Kings; for otherwise one man would be commended for anothers care, and taxed for anothers negligence, which is not Gods way.

Can. I.
1640.

SECT.

SECT. II

The various Pleas, against Christian Kings having the same authority about Religion, which was rightly exercised under the Old Testament, refuted.

1. That the force of this argument might be avoided, divers methods are made use of; the chief of which, I shall consider. And those which in this Section I shall take notice of, are reducible to two ranks. Under the former, I shall examine those pretences which are made, to evidence that the Jewish Kings ordering things about Religion, was an extraordinary case, and by an extraordinary power and Commission, and therefore must not be made a pattern for other times. Under the second I shall consider such Pleas as would make a shew of proof, that there is such a difference between the Gospel state, and the Mosaical dispensation in this particular, that thereupon Princes are not capable now, of the like Sovereignty, which they then enjoyed.

2. With respect to the former head, first Bellarmine will have David, Salomon and Josiab, to have acted in matters of Religion, as Prophets, not as Kings; and if

Bellarmin.
de Rom.
Pont. l. 1.
c. 7.

B. I. C. 2. if this speak to the purpose, the like must be supposed concerning all other Kings, who commanded about Religion. And yet the Scriptures expressly call these orders, the *commandment of the King*, 2 Chr. 29. 24. ch. 30. 6. ch. 31. 13. ch. 35. 10, 16. and elsewhere; and sometimes, the *commandment of the King, and his Princes*, 2 Chr. 29. 30. ch. 30. 12. Nor is there any pretence, for affixing the *prophetical office*, unto all the Kings of *Judah*, who gave commands about Religion, it being certain that neither *Jehosaphat*, *Hezekiah*, *Josiah*, nor divers others of them, were themselves *Prophets*, but did as occasion required, consult others as the *Prophets of God*. And this is so far acknowledged by *P. de Marca*, that thereupon he justly rejecteth this Plea as insufficient, though he confesseth it to be usual.

De Concordia Sa.
& Imp. l.
2. c. 4. n. 5.

3. But others say, the Kings of the Family of *Israel* might do what they did warrantably concerning Religion, by a *special command of God*, made known by a Prophet, and this might make their undertaking herein necessary. Now that *Prophets* did *advise*, and direct in some of these cases is granted, but still the authority which established such directions, by a publick Sanction, was the *royal power*.

They had no
extraordi-
nary Com-
mission
herein.
V. Bishop
Billson of
Christian
subj. Par. 2.
p. 198.

But

But if any pretend, that the Kings received Sect. 2.
 their authority herein, by an *extraordinary commission* from a Prophet, he ought to give proof of this, which he can never do; but that there can be no place for any such conjecture, will appear, because, 1. It is not likely that Gods Prophets should constantly require the Kings, to intermeddle in any thing, that was ordinarily unsuitable for their office to undertake: and it is also injurious to the wisdom of God to think, that he should make the care of Religion, the duty of all the Kings of the stock of *David*, only by an *extraordinary message* to every one of them. 2. It is manifest that many things concerning Religion, were well undertaken by the Kings of *Judah*, without so much as the special direction of a Prophet. Such were *David's* first intentions to build a temple, which God approved, *Hezekiah's* order for the general Passover in the second month, which is declared to be done, by the consultation of the King and his Princes, 2 Chr. 30. 2. and *Josiah's* reformation was in a good measure effected, before he advised with the Prophets *Huldah*.

4. But there is another Plea made use of by *Cunæus*, and another learned man who evidently followeth him. They assert the

Cun. de
 Rep. Hebr.
 l. 1. c. 14.
 Marca de
 Conc. l. 2.
 c. 4. n. 4, 5.

B.1.C.2. the *right of Kings* under the Old Testament, to intermeddle in matters Ecclesiastical; and that they had then such a *supereminent authority*, that according to *Maimonides*, even the High Priest was to stand in the Kings presence, and that no other person (no not the Priest) might sit within the *court of the temple*, save only the King. And all this they found upon the vertue of the *holy Unction*, or his being *anointed* with the holy Oil; hence *P. de Marca* asserteth, that he acted *Pri-wilegio Regii Sacerdotii*; as having obtained by his Unction, *the priviledge of a royal Priesthood*, and hereupon *Cuneus* thinketh, that *David* might wear the Priestly *Ephod*, and thereby consult the *Urim* and *Thummim*. But this also is a very weak pretence, partly because the *royal anointing*, was only designed to be the anointing such a person *to be King*, as is expressed, *1 Sam. 15. 1. 2 Sam. 3. 39. 1 Kin. 1. 34.* and in many other places; and partly because such an *anointed King* had no right to perform the *Priestly actions*, as is plain from the great guilt of *Saul* in sacrificing. And much less could this give him any Ecclesiastical, or sacerdotal superiority, over the *High Priest* himself, since every successive High Priest was to be *anointed with this holy oyl*, whilest most
of

Their authority not from any sacerdotal Unction. Ibid. c.6. n. 6.

Cun. ibid.

of the Kings even of the Family of *David*, Sect. 2. were probably not at all anointed, as I shall observe in another place; and whether that *holy oyl* of the Tabernacle, was made use of in the usual anointing of the King, though it be asserted by the Jewish Writers, as *Schickard* hath observed, may yet possibly admit of a further enquiry.

Abarb. de
Unctione
in Exod.
30.
Schick. de
Jur. Reg.
c. 1. The-
or. 4.

5. And I must further observe, that there was not any *particular law of God*, under the Old Testament, as some would pretend, which gave any special authority to their Kings in matters Ecclesiastical, and therefore they proceeded only upon the general and *common right*, which chief Governours of a Realm have, even concerning those things; since in his office he undertakes, ἰδιωτικῶν καὶ δημοσίων καὶ ἱερῶν ὁμιλίαι, *the care and oversight of private, publick and sacred things*, as *Philo* expresseth it. Indeed the Israelites had particular *laws*, which inflicted the punishment of death upon *Idolatry, Witchcraft, blasphemy*, and other such like vices, Ex. 22. 18, 20. *Levit.* 24. 15, 16. *Deut.* 17. 2--5. but it could no otherwise belong to the *King*, to execute these laws, than as a judiciary authority in these cases, was included in his general royal power. Had all *matters of Religion* been in their own nature

Or any spe-
cial law of
Moses.

De Crea-
tione Prin-
cipis.

Mr. Thorn-
dike Right
of the
Church, ch.
1. p. 10.

B. 1. C. 2. nature reserved, and exempted from the royal Government, it would then have belonged to the *Jurisdiction of Ecclesiastical persons* only, to have executed those laws; especially since the punishment of death, was sometimes inflicted by *Prophets*, 1 Sam. 15. 33. 1 King 18. 40. 2 King 1. 10, 12. And that the death of a Malefactor, was sometimes the issue of the *sentence of the Priest*, is intimated in *Deut.* 17. 12. and seemeth also observed by *Clemens Romanus*. And with an eye to the declining state of the Jewish Government, under the *Maccabees* and downwards, when the chief execution of all laws, was in the hands of the Priest, *Josephus* frameth his description, of the constitution of the Jewish Commonwealth, as committing the *chief secular power* to the Priest; and making them both *δικασται*, and *κρυσται*, the judges of all cases, and the *punishers* of all offenders. But it is manifest, that whilst the royal authority flourished, the laws against Witchcraft, Idolatry, and such like vices, were put in execution thereby, 1 Sam. 28. 9. 2 King 23. 24. 2 Chron 34. 4, 5.

6. And there is no particular constitution in all the law of *Moses*, which doth assert any *singular supremacy* (more than what is generally included in the Regal authority)

Epist. ad
Cor. p. 51.

Joseph.
contr. Apion.
l. 2.

authority) of the Kings of the Children Sect. 2.
 of Israel, over their Priests, and in the
 temple, and about the worship of God.
 Indeed *Cuneus* doth offer an instance, of Cun. ubi
 supra. a particular positive law of *Moses*, to this
 purpose, *Dent.* 17. 18, 19, 20. where
 God required, that the King should write
 a copy of the law, and that this should
 be with him, and that he should read
 therein, all the days of his life, that he
 might fear the Lord, to keep all the words
 of this law, and these statutes to do them.
 But there is nothing in this law, which
 makes the care of Religion, more the duty
 of the Hebrew Kings than of the Christi-
 an; since these also, are to acquaint them-
 selves with the doctrines of Christianity, to
 fear God, and to do his will, but neither
 of them might exercise that spiritual pow-
 er, which belongeth to the distinct Officers
 of the Church. It may indeed be said, that
 Kings cannot rightly fear and serve God,
 unless they make use of their authority to
 promote Religious piety, even in all sorts
 of their subjects, and this was truly asserted
 by *S. Austin*; but then this can be of no Aug. Ep.
 50. peculiar concernment, to the Kings of the
 Old Testament, but will equally extend
 it self to those who live under Christia-
 nity.

7. I shall now shew, that whatsoever is

F

pre-

B. 1. C. 2. pretended from the peculiar *state of the Gospel*, to debar *Christian Kings* from that authority, which certainly did belong to the royal Government, under the Old Testament, is of no force. And this will easily be admitted by them who consider, that the Precepts for *honouring the King*, being *subject to the higher Powers*, and *submitting our selves to the King as supreme*, are more plainly expressed, and universally enjoined, under the New Testament, than ever they were under the Old. But that there is any direct *prohibition* in the Gospel, against the sovereignty of the Royal power, in matters of the *Church*, is not so much as pretended; and that the doctrine of Christianity doth *assert* this authority, shall be hereafter shewed.

Right of the Church. Ch.

I. p. 8.

Enilogue.

B. 1. ch. 19.

B. 3. Ch.

33.

8. A learned man of our own Kingdom, who owneth the Sovereign power of Kings in matters of Religion, and alloweth the consequence hereof in general, from the government of the Jewish Church; doth seem to deny that the *same rights* in matters of Religion, may be claimed by the Christian Kings, which was exercised by the Jewish. Now that which is here demanded, is, that the general power of *Ecclesiastical supremacy*, is under both dispensations the same, in *enjoining the observation of the divine laws*, in *establishing*

ing matters of expediency, for order sake, Sect. 2. and in punishing transgressors. But as to the particular subject matter of this authority, which cannot possibly be the same in *Judaism* and *Christianity*, there must of necessity appear a difference, in the exercise of this supreme authority; many things being allowable under the law, which are not so under the Gospel. But it is here further pleaded, that the Kings under the Law, might be further interested in Ecclesiastical affairs, than the Gospel will admit, because the Church and State were not so much distinguished, under the legal Oeconomy, as under the Evangelical; the *Mosaical law* being the foundation and rule, both of the *Jewish Church*, and of the political government. But in truth, the proper fixed Kingly authority in the Family of *Israel*, was not so much established, as only allowed by the *Mosaical law*; and though there was a true royal power in *Moses*, and in the Judges, yet this was not fixed and determined to be the constant Government, by a particular law. And the *Priesthood* under the law, was as fully distinct from the civil power, as the Church government under the Gospel is; neither of them deriving themselves from the civil, nor resolving themselves into it. But in both these dispensations, as

The difference of Judaism and Christianity considered, with respect to supremacy.

B.1.C 2. the *Ecclesiastical* government was appointed by them, so was the *civil* also in general established; yet so that the foundation which it hath in the laws of nature, is antecedent unto both. And if there be any difference, as to *subjection of things and persons Ecclesiastical* unto Princes, it might seem plausible, which yet is not to be insisted upon, that the Jewish Priesthood might the rather pretend *exemption*, from the royal power, as being established before the fixed royal line.

Epil B. 1.
Ch. 20.
Right of
the Church.
ubi supra.

9. It is also urged and must be granted, that the Christian Church is of a *larger extent*, than the limits of any single *temporal sovereign*, whereas the Jewish Church and state were one and the same body, except the case of some Profelyes, such as *Naaman* was, among the Gentiles. And from hence it is to be acknowledged, that by the determination of *Catholick Councils*, or by the universal *practice of Christians* abroad, any particular Christian Kingdom, and the Sovereign thereof, may be obliged to entertain and establish, some things otherwise indifferent, in a compliance with these generally received *usages*, and thereby with respect to the *peace, unity, and honour* of the *Christian Church*. Of this nature are some things relating to *Canonical ordinations*, the solemnizing of

of *marriage*, the observation of the *Church* Sect. 2. *festivals*, and the rules for *communicating* with other parts of the Christian Church. Indeed no such rule as this could have any force in the Jewish Church, but yet this consideration cannot hinder, either the *extent* or *exercise* of the Princes authority, in the Christian Church, unless this power had consisted in a liberty to lay aside all rules, in *matters adiaphorous* relating to Religion, besides his own pleasure. Whereas it doth consist in such a *right*, as cannot be restrained or annulled, by any power upon earth, to establish by civil sanctions, what is *useful* about Religion. And his being obliged in Conscience, to admit and embrace such particular things, as conduce to the *Unity* or *welfare* of the Christian Church, which is a duty every Christian oweth unto God; is no more prejudicial to his supremacy of Government in this very case, than a private mans being bound to admit, what *general custom* hath made a part of *decency* and civility, is prejudicial to, or inconsistent with, his right and power of governing and commanding his own actions.

10. Wherefore it remains, that the supremacy of Christian Princes, notwithstanding these things objected, is the same *in substance*, with the Supremacy of the

B. 1. C. 2. Kings of Judah, in matters of Religion : but in some particularities, there must be a difference in the way of its exercise. And this may possibly be all that Mr Thorndike intended, who expressing a difference in this matter, between the state of the law and the Gospel, referreth this sometimes to the consideration of the Churches Unity, or else ^b as a stop to Erasmus. Yet he plainly asserteth, from the consideration that the Apocalypse foretellet the conversion of the Empire to Christianity, that it cannot be doubted, that Christian powers attain the same right in matters of Religion, which the Kings of Gods ancient people always had, by the making Christianity the Religion of the State. And he also admits ^d the same power in matters Ecclesiastical, both in the Christian state and in the Jewish, to flow from the nature of Sovereign power, and the necessary duty of this power being employed to advance Religion.

^a Right of the Church. Ch. 1. p. 11.

^b Review. Ch. 1. p. 11.

^c Review. p. 15.

^d Right of the Church. Ch. 1. p. 9, 10, 11. Review ch. 1. p. 13, 14.

Of the Consecration of Churches.

II. Another thing which may possibly deserve some consideration, is from the general usage and practice of the Church, concerning the dedication and consecration of Churches. Some have thought, that when Salomon's Temple was consecrated, the consecration thereof was mainly performed by Salomon himself, who was the King :

King: this is urged by the *Leviathan*; Sect. 2. and some men of learning, seem to favour this notion, speaking of him, *Ipsē dedicationis precipuas obivit partes*, that he himself discharged the chief part of the dedication. But the general practice of the Christian Church, hath been (so far as any account thereof can be discovered) to have their Churches dedicated, not by Princes undertaking to celebrate that solemnity, but by the *Bishops of the Church*. And this is not only manifest from divers *Canons* mentioned by *Gratian*, and from the Epistles of *Leo*; but the practice of the Church herein is evident, in the time of *Constantine* the Great. For there is a particular account given by *Eusebius*, in the life of *Constantine*, of the dedication of a famous Church in *Jerusalem*; to which he telleth us divers Bishops were assembled, and did bear their parts in that solemnity. And the same author acquainteth us, that in his reign, there were in divers Cities, ἡ ἀπὸ νεοπαζῶν προσδύτης αἱ εἰσρωσεῖς, ἐπηχῶων τε ἐπὶ παντὶ σιμελδύσεῖς, consecrations of those places of divine worship, which were then lately built, and the meeting of Bishops to that end.

Leviath.
Ch. 40.
Hospin. de
Templ l.
4. c. 2.

C. 1. q. 2.
c. placuit.
& de Con-
secrat dist.
1.
Leon. Ep.
88 ad
Germ. &
Gal. Epif.
cop.
De Vit.
Const. l. 4.
c. 40, 43,
44.

Euf. Hist.
Eccl. l. 10.
c. 3.

12. But that this seeming difficulty may be cleared, it may be observed that there were three sort of things done, at the con-

B. 1. C. 2. *secration of the temple at Jerusalem.* 1. *Salomon* whom God had chosen to build his House, when he had finished it, yieldeth up his right and presenteth it to God, and by Prayer desireth Gods acceptance, and that it might be useful to the designed end, and the good of *Israel*. And thus much might be done by a private person, who dedicated an offering unto God, though he was in no secular or sacerdotal office; as we have the like example and practice in the Prayer those persons were to make, who presented their first-fruits, and the third years tithe, *Deut.* 26. 3-10, 12-15. and this might be more fitly done by *Salomon*, because he was an inspired person. And *Salomon* also as King commanded a great festivity, and a joyful solemnity to be then observed; and the like did *Constantine* at *Jerusalem*, at the time above-mentioned. 2. There was the acceptance of this temple, and taking possession thereof in Gods name and for his service; and the setting it apart thereto, upon account of Gods authority, by them who were his Officers in the Church; and this was then to be done by the *Priests*, to whose office it did belong, to sanctify the most holy things, *1 Chr.* 23. 13. And this was partly done, by their bringing in the *Ark*, and other holy things into the temple,
2 Cir.

Euf. de
Vit. Const.
ubi sup.

2 Chr. 5. 5, 7. and partly by the solemn Sect. 2.
sacrifices which they offered, whereby
the temple is said to be dedicated, 1 Kings
8. 63. as the *tabernacle* was purified, or
dedicated, by the blood of the *Sacrifices*,
as both the Apostle, Heb. 9. 21, 22, 23.
and *Josephus* do declare. 3. Here was Jos. Ant.
Gods owning this his *possession*, and his Jud. l. 3.
House and Temple, and this was done by C. 10.
the *glory of God filling the house*, immedi-
ately upon the Ark being brought into it;
1 Kings 8. 10, 11. and by the *fire coming*
down from heaven, upon the *Sacrifices*,
2 Chr. 7. 1, 2, 3. as had been before done,
at the *dedication* of the *tabernacle*: and
hence God declared, that he *hallowed this*
house, 1 Kings 9. 3, 7. And all these things,
which were not performed by *Salomon*,
were the *chief parts* of the *didication*; and
therefore this instance from *Salomon*, will
not prove *Princes* to have had any pecu-
liar Ecclesiastical authority, in the *Jewish*
Church, above what they may enjoy in the
Christian.

13. In the last place I shall consider the
suggestion of *Cardinal Bellarmine*, that
the Church in the time of the Old Testa-
ment, might be under the temporal Go-
vernment, because it then was more *exter-
nal*, and enjoyed *temporal promises* chief-
ly, whereas it is otherwise under the New
Testament.

Bellarmin.
de Rom.
Pont. l. 2.
c. 29.

B.1.C.2. Testament. Now though it is hard to discern any strength or force, in this way of discourfing ; especially because all Religion as fuch, hath a refpect to God, and to things *fpiritual*, and alfo because Kings under the Old Testament were not Governours of the *promifes*, which God made to his Church for the future, but of its *prefent polity* : yet I fhall return hereto thefe confiderations, which I fuppose will be fufficient. 1. That thofe things of the *Gofpel* which are of a *pure fpiritual nature*, as the difpenfing heavenly grace and pardon of fin, the taking men into an inward relation unto God and Chrift, and the beftowing on them eternal life, fo far as thefe things are confidered feparately and diftinctly, from all vifible and external difpenfations, are not claimed to be under the *government* of any *civil power*, and this is all that his confideration can amount unto. 2. That the *perfon*s admitted into the Chriftian Church, and the *Officers* thereof, have ftill under the *Gofpel vifible* beings ; and their actions of life, their publick fervice and profeflion, with feveral divine institutions, and other things relating to the order of the Church, are ftill *things external*, and therefore capable of being under the infpection of authority, which is managed by men concerning things vifible and external.

CHAP.

CHAP. III.

No Synedrial power among the Jews,
was superiour or equal to the Regal.

SECT. I.

The exorbitant power claimed to the Jewish Sanhedrim reflected on, with a refutation of its pretended superiority over the King himself.

1. **T** Here are divers both Jewish and Christian Writers, and some of them men of great worth, who entertain a notion, which if it were true, would evacuate the force of the argument, made use of in the former Chapter. Even *Grotius* will not allow the Government over the House of Israel, to have been perfectly Monarchical: and *Schickard* asserteth it to have been mixtly Aristocratical, and these with divers other persons, assert the Royal Government of the Family of Jacob, to be under the Synedrial authority. Now if what I shall say in opposition hereto, may seem over-long and tedious to some Readers, I hope the usefulness thereof for vindicating royal authority, and disco-

De J. B. &
P. l. 1. c. 3.
n. 20. Sch.
de Jur.
Reg. Hebr.
c. 1. Theor.
2.

Dangerous
and false
pretences of
the Syn-
drial pow-
er being
chief.

vering

B.1.C.3. vering usual and considerable mistakes, will be a sufficient Apology. And although the *rights* of Christian Princes, do not directly depend upon the political constitution of the Jews, or the Family of *Jacob*, but are founded in the laws of *nature*, of *nations*, and of *Christianity*: yet it is in general a great advantage and honour to the *royal government*, that *God* himself established a pattern thereof, in the House of *David*, as well as the authority of the civil power about matters of *Religion*, may be hence also inferred. And both *Romish* Writers and others of an *Antimonarchical* strain, or as *Salmasius* calleth them, *Hildebrandine & Enthusiastice doctrine auctores*; in managing their designs, have frequent recourse to this Plea of the Jewish Synedrial power, against the right of Kings.

Salm. De-
fen. Reg. c.
2. p. 49.

Annal. Ec-
cles. an. 57.
n. 36.

2. Thus *Baronius* declareth, *Apud Hebræos Lex divinitus data monstravit, &c.* The law which *God* gave the *Hebrews*, did shew, that the chief government was to be in the hands of *Priests*, and although they at length began to have *Kings*, yet (saith he) even those *Kings* were subject to the *High Priest*, who as he pleased was moderator in that great Council of 72. *Elders*, which was called the *Sanhedrin*, whose office and charge it was

was to judge concerning the law, concerning Sect. 1.
the King, and concerning a Prophet. In
which words, besides other mistakes, he
asserteth as that which would best serve the
interest of his party, that the *Sanhedrim*
was a Court governed by the *High Priest*,
whereas according to the constant descrip-
tion of the Jewish Writers, the *High Priest*
was neither ordinarily president thereof,
nor necessarily a member of it, though at
some times he might be both.

V. Seld. de
Syn. l. 2.
c. 15. n.
14.

3. And for an instance of the latter sort
of men, who are for popular supremacy,
Junius Brutus maketh use of this argu-
ment, *Synedrium Hierosolymitanum*, &c. Vindic.
The *Sanhedrim* of Jerusalem, seemeth to contra Ty-
ran Qu. 3.
have been of so great authority, that they p. 96.
could judge the King, in like manner as
the King could judge other persons. And
not long after he saith, In this King-
dom there were Officers of the Realm, rege
superiores; I say (saith he) in this King-
dom, which was established and ordain-
ed, not by Plato, or Aristotle, but by
God himself, the supreme founder of all
Monarchy.

4. And it is very manifest, that the
greater part of the Jewish Rabbinical
Writers, and from them divers Christians,
some of them so judicious, that it is strange
they should be so much imposed upon, by
Fables

The preten-
ded power
of the San-
hedrin.

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B.1.C.3. Fables and Romances, do assert that the Sanhedrim, or Senate of seventy one persons, had such a power over the Kings of Judah, as to call them to account, and punish them. And they also assert, that according to the original establishment, of the Jewish laws and polity, the chief causes of moment, both of an Ecclesiastical and civil nature, were exempt from the Kings jurisdiction, and reserved to the Synedrial cognisance. To this purpose Grotius declareth, *aliqua judicia arbitrariis regibus adempta*; I think there were some cases of judgment reserved from the King, which remained in the Sanhedrim of seventy men (i. e. besides the Nassi or president) Schickard goes farther, and sayes, *sine senatus magni assensu, Rex in gravioribus causis nihil poterat decernere*; that the King could determine nothing in the more weighty matters, without the assent of this great Senate. And our author de Synedr. l. 3. c. 9. n. 1. Synedriis, among other things, discourses de Judiciis adeo Synedrio magno propriis, ut nec à Regibus aut impediri, aut ad tribunal suum vocari jure potuerunt; in which words he fetters and confines the Kings power, but that of the Sanhedrim is set at large.

Carpzov. 5. But it may be a sufficient prejudice
in Schick. against these positions, that they have no
c. 2. p. 142. better

Grot. &
Schick.
ubi supra.

DeSynedr.
l. 3. c. 9.
n. 1.

Carpzov.
in Schick.
c. 2. p. 142.

better a foundation, than a tradition de- Sect. 1.
livered by some of the *Jewish Rabbins*, This a fabu-
lous tra-
dition of
the Rabbins.
against the evidence of whose testimony in
this particular, there lie these exceptions.

1. That none of those persons who assert
this *Synedrial power*, were contemporary
with the flourishing of royal authority, be-
fore the captivity; but all of them lived
near or fully a *thousand* years, and many
of them above *fifteen hundred* years after
that time, and therefore can give no testi-
mony upon their own knowledge; and
writing one from another, with a zeal for
all *traditions* any of their wise men have
delivered, the number of them who are
produced, can add nothing to their testi-
mony. But both *divine* and *humane* *wri-
ters*, who are of an ancients date, do
sufficiently contradict this position, as I
hope to make plain. He therefore who can
believe, that the Apostolical form of
Church Government was by *Lay-elders*,
because divers of late, but neither Scrip-
ture nor ancient Writers do assert it; and
he who can persuade himself, that our Sa-
viour made the Bishop of Rome, the *Uni-
versal Monarch* of the whole World, and
gave him a plenitude of all *temporal* and
spiritual power; because many Writers of
that Communion do now assert this, while
what is inconsistent therewith was decla-
red

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B.1.C.3. red by *Christ*, his Apostles, and the ancient Christian Church; such men have understandings of a fit size and suitable disposition, to receive these *Rabbinical traditions*, concerning the *Synedrial* authority and *Supremacy*; which are also things fit for their purpose.

Gemar.

Sanhed.

Cocc. c. 2.

Sect. 10.

Sed. Olam.

zut. in fin.

6. Secondly, It is evident, that the Rabbins out of *affection* to their own Nation, were forward to *extol* it, even beyond the bounds of truth, of which that prodigious instance may be given in the *Talmud*, of the number of the Horses for *Salomons* own Stables, which are there brought up to an *hundred and sixty millions*, accounting a thousand thousand to a Million. Now the great *Sanhedrim* was the chief *Jewish consistory*, for a considerable time, before the reign of *Aristobulus*, and under the Roman Government, and some continuance thereof remained, towards five hundred years after the destruction of *Jerusalem*, as their Chronicle informs us, which was till about the time of some of those *Rabbinical* Writers. And it is very probable, that the pressures and sufferings, which the Jews sustained under the *Roman Emperours*, or Kings, might prejudice them against *Monarchical Government*.

7. Thirdly, There are other *Rabbinical*

cal and Talmudical Writers of good note, Sect. 1. who will by no means be perswaded to embrace this tradition, which *disparageth* the Royal power. To this purpose the words of the *Jerusalem Gemara*, and of *R. Jeremias* mentioned in *Dabarim Rabba*, and others, are cited by Mr *Selden*, and the testimony of *Barnachmoni* by *Grotius*, who assert, that *no mortal man* hath any power of *judging the King*. And that the highest authority is in the King, who standeth in Gods place, is asserted by *R. Abarbanel*, whose words are in *Carp-zov*.

Seld. de Syn. l. 2. c. 16. n. 4. p. 666. DeSynedr. l. 3. c. 9. n. 3. Grot. de J. B. & P. l. 1. c. 3. n. 20.

Carpzov. in Schick.

8. But because a due examination of these pretences may be of good use, I shall first particularly reflect upon the strange power, which these Writers give to the *Sanbedrim*, over the person of the King. They deal with the royal authority, as the Jews did with our Saviour, who gave him the Title of the *King of the Jews*, but yet scourged him, and treated him with great indignity. For these Writers do assert, that the King might be *scourged* by the *Sanbedrim*; only by the great *Sanbedrim* at *Jerusalem*, saith *Schickard*, and he acknowledgeth, that even this appeared to him, *valde pradoxum*, a thing far from truth, and very unlikely, until his own apprehensions were moulded into

p. 165. Their pretended power over the person of the King refused.

De Jur. Reg. c. 2. Theor. 7.

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B. 1. C. 3. a compliance with the Jewish Writers.
 De Syn. 1. But M^r Selden addeth, that according to
 2. C. 9. n 5. the Testimony of the Rabbins, he might
 be scourged by the *lesser Sanhedrim* of
 twenty three, which was the Government
 of every particular City. And among the
 168. Cases punished by scourging, enu-
 merated by *Maimonides*, and mentioned
 Ibid. c 13. from him by Selden, the three last are;
 n. 8. *if the King multiply Wives, if he multiply
 Horses, and if he multiply silver and gold.*
 Now these things are so strange in them-
 selves, reducing the King to the same cir-
 cumstances, with every common and petty
 offender, that how this can consist with
 the *Majesty* and *soverainity* of a Prince,
 is utterly unconceiveable: and he who can
 entertain such dreams and fancies, must al-
 so perswade himself to believe, against the
 plainest evidence, that *David* and those
 who sat upon his throne, were not *Kings*
 and *chief rulers* in the Kingdom of *Israel*
 and *Judah*, but were all of them *subjects*,
 under the common and ordinary govern-
 ment, and authority of that Common-
 wealth.

Schickard
 de Jur.
 Reg. ubi
 sup.

9. And this absurd assertion hath put
 those Christian Writers who close with it,
 upon *unreasonable shifts*, for the defence
 thereof. And for the *reconciling* this with
 the *dignity* of a King, many of them make
 this

this their last refuge, that this scourging amongst the Jews, was without any note of infamy or disgrace; and was voluntarily to be submitted to by their Kings, as an act of penance, and not of force. But this answer stands chargeable with a two-fold miscarriage. 1. With a contradiction to the design of them who urge it, and a giving up their cause: for if there be nothing in it of disgrace, it cannot be inflicted as a censure, and the publick punishment of a fault; and if it be undertaken only of voluntary choice, and not of force, then is it not the result of the sentence, of a superiour Synedrial authority. 2. This would also conclude, that many considerable offenders, who were to be punished with scourging (as by the custom of the Jews, according to the cases mentioned by Maimonides, he that curseth his neighbour in the name of Jehovah, he that is guilty of perjury, and he that commits whoredome; and by the law of God the unfree woman who played the whore, being betrothed, Lev. 19. 20.) were free from all penalty and disgrace, though the divine law, Deut. 25. 3. peculiarly mentions this punishment as infamous. Wherefore these traditions are so absurd, that Petitus justly affirmed, *istam πολιτείαν animo tantum conceperunt, nulli principes*

Sect. 1.
Grot. de
Jur. Bel. &
Pac. ubi
sup.

Maimon.
n. 134,
135, 156.

Petit. Dia-
tribe de
Jure pr. c.

84. *The Jewish Synedrial power was not*

B.1.C.3. *eo jure regnarunt; that no King of Judah with this maned authority, ever reigned any where else but in the fancies and pens of these Jewish Writers, and their followers.*

Seld de
Syn. l. 3.
c. 9. n. 2.
5.

Schick. ubi
sup.

10. Now a position so strange in it self, and which puts men of learning upon such difficult service, and hard shifts to bear it up, had need bring with it *very clear evidence*, if it expect to be entertained. But in this case, Mr Seldrn who is forward enough to embrace the notices of the *Rabbins*, after he had represented what is usually said, was so far in doubt of the truth, that he saith, *hac in re nihil omnino definitimus*. And Schickard who largely asserteth this *Synedrial power*, confesseth that he could not meet with any one instance, of its having ever been reduced to practice. And those who have ventured, either at *instances* or *arguments*, have greatly miscarried therein.

An. 31. n.
10.

11. Two *instances* by some have been produced, only to shew that *Kings* have been cited before the *Jewish Sanhedrim*. The one of *Herod the King*, mentioned by *Baronius*; but it is strange to see, how pitifully he mistakes the case, or else imposeth upon his Reader. For it is plain from *Josephus*, whence he hath this story, that *Herod* was then *no King of Judea*, nor
was

was he cited by the *Sanbedrim*, but by *Sect. 1.*
Hyrcanus, who was then King by the *Ant. Jud.*
 Roman authority. And it is much that the *l. 14. c. 17.*
 Cardinal should not consider, that if *Herod*
 after he was King of *Judea* by the *Roman*
 right, was under the Jurisdiction of the
 standing *Jewish Synedrial* authority, the
 consequence must be, that the *Jews* then
 were Governours over the *Romans* and
 their power, but were in no subjection to
 them; which, besides the credit of History
 herein concerned, he who acknowledgeth
Christ crucified, cannot admit.

12. Another instance is mentioned of
Janneus the King, who is said to have
 been cited by the *Sanbedrim*, upon ac-
 count of a servant of his being charged
 with murder. This instance in his second
 thoughts, *Schickard* preferreth to the
 former. Now if this had been true con-
 cerning *Janneus*, it would be of no great
 moment, since he lived under the lapsed
 state of the *Jews*, and had the name, but
 not the authority and dignity of a *King*.
 But this story is manifestly fictitious, is stil-
 led by *Salmasius*, *nugæ & fabulæ Rabbi-*
nice, is not at all mentioned by *Josephus*,
 or any good Historiam, and also brings in
 the *Angel Gabriel* to bear a part in it, by
 coming then into the Senate, and destroy-
 ing all the assessors thereof. And this sto-

Schick.ap-
pend. in
Carpzov.
p. 152,
153.

Defens.
Reg. c. 2.
p. 49.

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B. 1. C. 3. ry is taken out of the *Gemara* where the
 Gemar. in whole Section is evidently vain and frivo-
 Sanhed. c. lous, as amongst other things may appear,
 2. Sect. 1. from the way of its arguing in this matter,
 which I shall presently take notice of. Be-
 sides this I shall add, that so much as hath
 any truth in this relation, is very proba-
 bly a kind of fabulous representation of
 the former instance of *Herod*, under dif-
 ferent names and circumstances. For both
 of them are said to be cited; upon occasi-
 on of some persons being put to death, both
 the stories say, that upon their appearance
 the whole Court, (whether properly the
Sanhedrim, or *Hircannus his Judges* called
 by *Josephus συνέδριον*) spake not a word
 against them, save only one bold man, and
 that thereupon all the rest besides this man
 were after put to death. And this man is
 called *Sameas* or *Shammai*, in the one
 story, and *Simeon* in the other, which I
 conceive to be one and the same name in a
 different Dialect; even as *Johannes*, *Jo-*
hana and *Jonab* in likelihood are, the
 vulgar latin expressing *Jonas* by *Johannes*,
Joh. 21. 15. And so are *Lazarus* and
Eleazar, and many others, whence the
 Ethiopick Version instead of *Lazarus*,
 constantly useth *Eleazar*, *Luk. 16.* and
Joh. 11. and that they are one and the same
 name, hath been clearly evinced. To
 which

Grot. in
 Mat. 16.
 17.
 Druf. Præf.
 in Joh. 21.
 15.
 Hor. Hebr.
 in Joh. 11.
 1. & in
 Luk. 16.
 20.

which I add, submitting these conjectures Sect. 1.
to the judgments of others, that the name
of *Janneus* or *Jannas*, might possibly be
made use of, in this *Talmudical* relation,
from the signification of the word *נָדַב* both
in the Hebrew and Chaldee, for one *injuri-*
ous and oppressive,

13. How extream vainly they argue in
this particular, will appear from that no-
ted instance of the *Talmud*. The *Mishneh* Sinh. c. 2.
Sect. 2.
had declared, that *the King neither judg-*
eth, nor is judged, which it manifestly
expresseth concerning the Kings of the line
of *David*; nor doth it intend to deny
them the authority of *judging*, because
the same Treatise affirms, *capital punish-* C. 7. Sect.
3.
ments by the sword, to be inflicted by the
King, but that they did not usually in per-
son sit in any Court or Consistory. But Gemara
ubi sup.
the *Gemara* here, being a Comment which
contradicteth the Text, telleth us that this
sentence, *The King doth not judge nor is*
judged, doth not belong to the Kings of
the House of *David*, for they did both
judge and were judged. And the proof it
produceth that they were *judged*, is from
Jer. 21. 12. *O house of David, thus saith*
the Lord, execute judgement in the morn-
ing, declaring hereupon, that they could
not *judge*, unless they could be summoned
to receive judgment from others. Which

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B.1.C 3. is such a ridiculous pretence of proof, against the evidence of common sense, which would serve as well to prove *Parents* to be subject to their *Children*, *Masters* to their *servants*, and their great *Sanhedrim* to another Consistory, as to the purpose they produce it. And yet this testimony and tradition of the *Gemara*, though very irrational, is made use of very much, by them who depress the royal authority among the Jews, and advance the Synedrial.

Schick. de
Jur. Reg.
c. 7. Th. 7.
Seld. de
Syn. l. 3.
c. 9. n. 2.

SECT. II

The determination of many weighty cases claimed to the Sanhedrim, as exempt from the royal power, examined and refuted.

I. The fautors of this *Synedrial* sovereignty, who would make the regal authority to truckle under it, do under that polity, exempt the decision of the most material cases of right, from the Kings Judicature. And they do also debar him of all authority to undertake *arbitrary wars*, appoint inferior officers and judges, or to have any interest in enacting *laws* and constitutions, which *Caninius* doth roundly and plainly express, telling us, that the *Sanhedrim bella decernebant*, -- *resq, omnes publicas administrabant*. And so there is

Canin. Dis-
quis. in
Loc. N.
Test. c. 7.

is neither civil nor military supreme authority, no more than Ecclesiastical reserved for the King. Sect. 2.

2. But I shall undertake to prove, that the eminent power by many placed in the Sanhedrim, by divesting the Jewish Kings thereof, was certainly not seated in any such Synedrial power, in the flourishing times of the Jewish Monarchy, or before the Captivity of Babylon; but was fixed in their Kings, both as to cases of judiciary decision, and of authoritative consultation and constitution. And if either the traditions of the Jewish Writers mentioned in the former Section, or those which I shall now discourse of, had any good foundation, I should readily then grant, the consequence hence urged by *P. de Marca* to be true; that they do not *deserve well* at the hands of Christian Princes, who would measure their authority and dignity, from the exercise of royal power under the times of the Old Testament. De Cono. Sac. & Imp. l. 2. c. 5. n. ult. & Proleg. p. 25.

3. Several judiciary cases claimed as peculiar to the Synedrial power, are enumerated by our Author *de Synedriis*, out of which I shall single out those three chief Cases, which are in the first place mentioned by the *Talmud*, concerning a Tribe, a false Prophet, and the High Priest. And these I the rather De Syn. l. 3. c. 1. n. 1. Sanh. c. 1. n. 5.

B. 1. C. 3.
De Jur. B.
& P. l. 1.
c. 3.

De Syn. l.
3. c. 9. n. 1.

The judg-
ment of a
tribe.

Coch. not.
ad Sanh. c.
1. n. 21.
Grot. de
Imper. c.
11. n. 15.
Seld. de
Syn. l. 3. c.
4. n. 3, 4.

ther fix upon, because the learned *Grotius* made choice of these, as special instances of cases, peculiarly belonging to that Court, and not subject to the King; saith he, *quedam cognitionum genera regi videntur non permessa, ut de tribu, pontifice, & propheta*. And according to the sense of *Grotius*, *Selden* speaks of these three cases, that they are *adeo Synedrio magno propria & peculiaria, ut ne regi quidem ipsi permitterentur*. And the first of these concerneth things *temporal* of great moment, and the other two cases *Ecclesiastical*.

4. This judgment concerning a tribe, is by some declared to be, when the greater part of a tribe, or the whole, becometh guilty of *Apostasie* or *idolatry*. But Mr *Selden* though he acknowledgeth this to be the sense of divers Jewish Writers, yet his opinion is, that all other cases whatsoever concerning a tribe, were only determinable by this great *Sanhedrim*, which he thinks is not to be doubted. And the consequence of this seemeth plain, that if the whole or major part of any tribe, became factious or guilty of rebellion, as most of them were both after *Abfalom*, and after *Sheba*, the King had then no authority to reduce them. But that these things are empty dreams, and wholly void of truth,

truth, will be manifest from these follow- Sect. 2.
ing instances.

5. When the *two tribes and half* desired an inheritance on the other side *Jordan*, they spake of this to *Moses*, *Eleazar*, and the *Princes of the Congregation*; *Num.* 32. 2. but the power of determination was in *Moses*, who commanded *Eleazar* and the *Princes* concerning them, *v.* 28. and he gave them that land, *v.* 33. *Jos.* 14. 3. and so also *Josephus* declareth. The dividing the land of *Canaan* amongst the other tribes, was of great concern to the whole tribes, and was begun by *Eleazar*, *Joshua*, and the heads of the Children of *Israel*, *Jos.* 14. 1. but by the authority of *Joshua*, whom God appointed to divide it, *ch.* 13. 6, 7. and the main part of this division was made, not by the *Sanhedrim of seventy one*, but by three men out of every tribe, *Jos.* 18. 4, 5. who acted by *Joshua's* command, *v.* 4. 8. and he cast lots for their divisions, and is said to have divided the land, *v.* 10. and also in *Josephus*. When the *two tribes and half* were suspected of apostasy, in building another Altar, *Phinehas* and ten other *Princes* with him (and not any great *Sanhedrim*) had the hearing of it, and did clear them, *Jos.* 22. 13, 14, 30, 31, 32. In the time of *Rehoboam*, when the tribes
of

Ant. Jud.
l. 4. c. 7.

Antiq. l. 3.
c. 1.

B.1.C.3. of *Israel* demanded greater liberty, than they had had under *Salomon*, 1 *Kings*.12. 1, 3, 4. here was no set *Sanhedrim*, which must determine concerning them, but the *King himself* was to resolve them, either according to the *counsel* of the *old men*, or the *young*, as himself pleased, v. 6.---14. And in *Hezekiah's* time, when both the two tribes under the King of *Judah*, and the ten tribes under the King of *Israel*, were fallen to *idolatry*, *Hezekiah* by his royal authority reformed *Judah*, and in his piety perswaded *Israel*; and in these cases was no appearance of a *Synedrial power*.

Of a Pro-
phet.

Cun. de

Rep. Hebr.

l. 1. c. 12.

Seld. de

Syn. l. 3.

c. 6. n. 1.

6. The judgment of a *false prophet*, is frequently claimed as peculiar to the *Synedrial power*, that is, according to *Selden*, the judging him who shall speak any thing in the name of a false God, or shall speak falsely in the name of the true God. But had the tryal of a true or false *Prophet*, been peculiar to them, it is not so probable that *Asa* would have been obeyed, in committing the Seer to Prison; this being then a case *coram non judice*, and against their laws, and superiour authority. Nor is it likely, that it would be made the matter of great commendation of *Hezekiah*, that he put not *Micah the Prophet* to death, if the limit of his royal power could not extend

tend it self, to the case of a Prophet, Sect. 2.
Jer. 26. 18, 19. See also Jer. 26. 21,
22, 23.

7. Yet the learned *Grotius* and other Writers, think they have found some evidence, for the exemption of a Prophet from the royal power, in the words of *Zedekiah* to the Princes concerning *Jeremy*, Jer. 38. 5. *he is in your hands, for the King is not he that can do any thing against you.*

But herein he follows the steps of *Brutus*, whose great mistake was sufficiently detected by *Barclay*. And these words have no other sense, than that *Zedekiah* in his present straits, must yield to this their desire, as *David* was sometimes necessitated unto a compliance with the Children of *Zeruiab*, who he saith were *too strong for him*. But we may wonder that so judicious a man should, in this matter, overlook many plain expressions, in that very Chapter, which beyond all contradiction evince the supreme authority of King *Zedekiah*, in determining this very case of *Jeremy*, v. 4. *The Princes said to the King, we beseech thee, let this man be put to death.* And when *Zedekiah* had yielded him into their hands, and they had cast him into the dungeon, *Ebedmelech* makes his suit to the King for *Jeremy*, and the King orders his being taken thence, v. 8, 9, 10. And the King

Gr. de J.
B. & P. l. 1.
c. 3. n. 20.
& in Jer.
26. in Jer.
28. & in
Mat. 5. 22.

J. Brut.
Vind. qu.
3. p. 96, 97.
Barclai.
adv. Antimonarch.
l. 4. c. 12.

B.1.C.3. *King sware to Jeremy, v. 16. I will not put thee to death, nor will I give thee into the hands of these men, that seek thy life.*

Bertr. de Rep. Jud. c. 11. Seld. de Syn. l. 3. c. 6. n. 4. & c. 9. n. 1. And yet this one mistaken expression above mentioned, against the scope of the whole Chapter, was made use of also by Bertram, Selden, and many English Writers in our late sad times, for the abridging of the royal power.

8. The words of our Saviour are also urged, *Luk. 13. 33. It cannot be that a Prophet perish out of Jerusalem.* The sense of which words is, that *Jerusalem* was so far *degenerated*, that he who came from God, and in his name, should no where meet with so much opposition, enmity, and violence, as in that place, where there ought to be the readiest acceptance. But that our Saviour should design, as many Writers would infer, that no Prophet could be *condemned to dy*, by any but the Jewish *Sanhedrim*, would also have been contrary to the History of *Johns* being beheaded by *Herod*, and to what *Jesus* had frequently foretold of himself, that he should be *crucified*; which was a kind of death never inflicted by the *Jewish* law, but by the *Roman*.

Seld. de Syn. l. 3. c. 8. n. 1. *Of the high Priest.* 9. The judgment of the *high Priest*, claimed as peculiar to the *Sanhedrim*, is by some restrained to capital causes only Yet

Yet the judgment concerning any of the *Priesthood*, whether there was any *blemish*, which rendred them unfit for their office, was also claimed to the great *Sanhedrim*. But had this case truly been, as is pretended, exempt from the regal power, the sentence of *Saul* against *Abimelech*, and his Sons, *1 Sam. 22. 13--18.* must have been accounted null and insignificant, being pronounced by one who had no authority over him; whereas at that time *Abimelech* freely acknowledgeth his *subjection* to *Saul*, as I above observed. Nor can this *Synedrial* power consist, with *Salomons* undertaking to *depose Abiathar*, or his declaring it as a favour that he did not put him to Death, *1 Kings 2. 26, 27.*

Sect. 2.
Middoth.
c. 5. Sect. 3.
Joma. in
Hor. Heb.
in Mat.
Chorogr.
c. 31.

10. And as to the *admitting the Priests* to minister in their office, this seemeth anciently to have belonged to the high Priests authority, from *1 Sam. 2. 36.* but upon account of moral defilements, and some other extraordinary cases, there are instances of the Priests being rejected from their ministration, by the authority of the *Prince*, and secular governour. And thus it was ordered by *Josiah*, concerning them who had been Priests of the high places, *2 Kings 23. 9.* and by *Nehemiah*, concerning them who could not make out their

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B. 1. C. 3. their Genealogy, and right of succession, *Neh. 7. 65.* From all this it is manifest, that all these three cases have been misrepresented, and that it is a bad description of the *Kingdom of Judah*, which placeth all these things, without the limits of the Royal authority.

11. But there are also several other *constitutions*, and determinations of authority, which by these Writers are appropriated to the Synedrial power; as the making of *arbitrary wars*, the establishing and ordering *inferiour judicatures*, and the constituting *laws*. And to debar the King of all power in these matters, and reserve them as peculiar to the *Sanhedrin*, is in effect to affirm, that neither the Royal Crown and Scepter, nor the power of the Sword, did belong unto the King.

Sanh. c. 1. Sect. 5. Coch. ibid. n. 23. Buxi. Lex. Ch. in דָּחָם Seld. de Syn. l. 3. c. 12. n. 1, 2. Schick. de Jur. Reg. Heb. c. 5, Theor. 17. 12. That the מלחמת הרשות *arbitrary war*, or War of choice, (whereby they understand all War, besides what God commanded them against the seven Nations of *Canaan*) might never be undertaken by the King, but only by the authority of the *Sanhedrin*, is generally asserted by these Jewish Writers, and their followers. Insomuch that *Schickard*, producing *Maimonides* to the same purpose, saith, *Rex arma finitimis illaturus, necessarium prius deliberabat cum magno senatu*,

natu, citra cujus consensum miles non Sect. 2.
exibat. Yet nothing can be more plain;
 than that the war against the *Ammonites*,
 for the defence of *Jabesh-Gilead*, was par-
 ticularly resolved upon by *Saul*, upon his
 present hearing of the case, *1 Sam. 11.*
5, 6, 7, 12. to which *Josephus* agreeth. Ant. Jud. l. 6. c. 5, 6.
 And the Wars against the Children of *Am-*
mon in *David's* time, whereby they were
 destroyed, were by the determination of
David, *2 Sam. 10 6, 7. ch. 11. 1.* And
 lest any should surmise, that this great
 Court was in such Cases present with the
 King, as the *Soul* is with the body, from
 which, though no man can see it, all
 strength and life is derived; I shall add
 that famous instance of *Jehosaphat*. When
 he was with the King of *Israel*, out of his
 Kingdom, he upon a sudden resolved on,
 and undertook in League with *Ahab*, a vo-
 luntary War against *Syria*, *1 Kings 22. 3,*
4. and for his proceeding therein, desired
 no instructions from any Council in *Ju-*
dea, nor from any other man under Hea-
 ven; but only concerning the event he
 enquired of a *Prophet of the Lord* in *Israel*,
v. 5.

13. He who would have any further
 instances in this matter, may have recourse
 besides other cases, to the voluntary Wars
 of *Amaziah* against *Joash*, *2 Cbr. 25. 17,*

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B.1.C.3. 18, 19, 20. and of *Josiah* against *Pharaoh Necho*, 2 Chr. 35. 20, 21, 22. Whereas those Wars are related to be undertaken, by the choice of these two *Kings of Judah*; so the *Kings* against whom they Warred, sent Embassies for Peace, not to any *Sanhedrim*, but to them. To this I add, that if this notion had any thing of truth in it, it might possibly be improved far, toward the justifying the *rebellion of Absalom*, against his own Father. For if the power of War was in this Court, it is altogether unlikely, that *David* in his sudden flight from his Royal City, should have them with him; but it is much more likely, if there was then any such Court, it did remain with *Absalom* in *Jerusalem*, where only that Court could regularly sit, according to the Jewish Canons; especially if that be admitted for truth, which is declared by the Chaldee Paraphrast, that *Ahitophel* the chief Conspirator, was the head of the *Sanhedrim*.

Seld. de
Syn. l.2.c.
16. n. 5.
Seld. de
Syn l. 2.c
15. n. 4.
Schic. de
Jur. R.c. 1.
Th. 2.

Ch. Par. in
Pf. 140. v.
10.

*Inferiour
Courts.*
*Sanh. ubi
sup.*
Seld. de
Syn. l. 3.
c. 1. n. 1.
*Quinq. in
Chal. Par.
in Thren.*
c.5.v. 44.

14. The right of appointing *inferiour Courts of Judicature*, among the Tribes of *Israel*, is claimed also as peculiar to this *Sanhedrim*. And that the *Judges* of *inferiour Courts* must be made *Rabbies*, and receive *imposition of bands* from this great Court, is declared by *Quinquarboroms*. But as we have undeniable evidence, that
in

in the *military Government*, divers Cap- Sect. 2.
 tains and Generals were appointed by
David, and *Benajah* by *Solomon*; so al-
 so *David* established 2700. Levites, to be
 rulers over the two Tribes and half, 1
Chr. 26. 32. And as the holy Scriptures
 give us an account of the Officers, and
 Judges in his time, over the other Tribes,
Josephus informs us that six thousand of
 the Levites were made Judges by *David*.
 And if Judges in the Land had not usually
 been established by the King, there had
 been no colour for that plausible pretence
 of *Absalom*, against his Father, by telling
 the men of *Israel* their matters were good
 and right, but there was no man deputed
 of the King to hear them, 2 *Sam.* 15. 3.
 Nor can any thing be more clear than that
Jehosaphat set judges in the land through-
 out all the Cities of *Judah*, City by City,
 2 *Chr.* 19. 5. and also a chief court in *Je-
 rusalem*, v. 8.---11. but that this was no
 such *Sanhedrim*, as the Rabbins mention,
 I shall hereafter manifest. And that the an-
 cient Jewish Writers, did acknowledge it
 a right of the King, to appoint Judges and
 judicatures, will appear from *Philo*, who
 discoursing of a Prince, with a special re-
 spect to the Jewish Government, directs
 him to write the Book of the Law with
 his own hand, and to read therein, and

Anriq. Jud.
 l. 7. c. 11.

Phil. de
 Creat.
 Princip.

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B. I. C. 3. also αἰρεῖς διαδοχῶς, οἱ σὺν ἄλλοις καὶ σὺν δικασ-
ταις, *to chuse others who shall partake in*
the rule and Government; that is as he
expresseth it, that the lesser causes he should
ἐπιτίθεσθαι ἐν ὑποτάξει, *commit them to inferi-*
our Rulers.

of making
Laws.

Seld. de

Syn. l. 3. c.

1. n. 1.

Quinquarb.

ubi sup.

De Syned.

l. 2. c. 9.

n. 7.

Carpz. in

Schickard.

c. 1. The-

or. 2. p. 15.

15. The authority of making any new
Laws or Constitutions, is also pretended
to be peculiar to the Synedrial power.
And consequently their *Kings* must be de-
nied to have any interest in the *legisla-*
tion, since these Rabbinical Writers do
generally affirm, that the *King* might have
no place in the *Sanhedrim*, nor any share
in its authority, as hath been observed a-
mong others by *Selden* and *Carpzovius*.
But whereas the chief things reported to
us, concerning the Reign of the Kings of
Judah, consist either in their care of *Reli-*
gion, or their *military* achievements,
we have an instance of a standing *milita-*
ry law or statute, for dividing the Spoil;
which was established by *David*, 1 Sam.
30. 24, 25. And I have in the former
Chapter evidenced, their establishing Or-
ders in matters *Ecclesiastical*; such were
the *division* made by *David* of the Priests
and Levites for their attendance on the
service of God, and others of like nature;
and *Josephus* tells us that this division was
observed as long as the Temple and its
worship

Ant. l. 7.
c. 11.

worship stood. To which we may also Sect. 3.
adjoin, the particular Laws or Constituti-
ons, made by *Josiah* and *Nebemiah*, con-
cerning some of the *Priests* abovementi-
oned.

SECT. III.

Of the antiquity of the Synedrial power
among the Jews, with reflexions upon
the pretences for a distinct supreme Ec-
clesiastical Senate.

I. From what hath been discoursed, it
is sufficiently evident, that whatsoever
Courts of Judicature, or Officers there
were in *Judah*, none of them under the
Jewish Monarchy, ever did vie for Sove-
raignty with it; but were in subjection to
it. There was no such authority, as is chal-
lenged by *Schickard* to the *Sanhedrin*; De Jur.
who calleth it *Synedrium magnum regie* Reg. c. 2.
majestatis compar; or by *Grotius*, who Th. 7.
in the reign of the Kings, owneth *Senatus* Grot. in
authoritatem regie velut parem, in which Mat. 5.22.
expressions is asserted its equal, or coordi-
nate power with the Kings, which *Selden* Seld. de
also allows. Yet for giving further evi-
dence to the truth of what I have above Syn. l. 2. c.
expressed, I shall assert, 16. n 4 p.
657.

H 3

2. That

102 *The Jewish Synedrial power was not*

B. 1. C. 3.
The Original of the great Sanhedrin was since the Captivity,

2. That this chief Synedrial Government among the Jews, was of a later extract than the time of the captivity, and had its first original, since the decay of the true Royal power. There was indeed all along the Mosaical dispensation an High Priest, whom the Law of Moses obliged the Judge or King, in arduous and weighty matters, (and in such only) to consult, and by him to ask counsel of God. And they had also Elders and men of wisdom, and with some of these the Laws of equity and prudence would direct the King to advise. And thus much may not improbably be the sense of those words of Josephus, proposing this Rule for the King; *μενεσθαι δὲ μὴ διὰ τῶ ἀρχιερέως, καὶ τῶ συνέδριου γίνεσθαι*, not to act without the High Priest, and the consent of the Senators. Yet Salmasius thinketh that these words of Josephus, are suitable only to those Princes, who ruled about the end of the Jewish state; and unless they be taken in the sense I have mentioned, they are certainly no rule, either founded on the law, or agreeable to the government of the House of David. And indeed Josephus who saw and felt the calamities, which the Jews sustained under the Roman Kings, was no friend to Monarchy, and though he be far from the Rabbinical strain, yet sometimes

Joseph.
Ant. l. 4.
c. 8.

Defens.
Regia. c.
2. p. 47.

Sometimes in this particular he plainly mis- Sect. 3.
representeth the *Laws of Moses*, as is done
in some expressions of this very Chapter
now mentioned.

3. The Israelites also had Courts of Ju-
dicature and *Judges*, in their several Pre-
cincts, *commanded* by the law, as is ne-
cessary in every Kingdom and orderly Go- *both in its*
vernment, and they had one *chief court* *supreme*
to receive *appeals* from the inferiour, en- *power,*
joined, *Deut. 17. 8, 9, 10.* But all these
in the time of the *Royal Government*, and
all matters of justice whatsoever, were un-
der the authority of the King, ordered by
him, and dependent upon him. Even the
Talmud declareth, that all that is contain-
ed in that *Parashah* of the law, which
treateth concerning the *King*, is under
the Government of the King; which *Pa-*
rasbab or Section beginneth, *Deut. 16. 18.*
and endeth *Deut. 21. 10.* and so taketh in
this whole seventeenth Chapter. But we
have much better evidence hereof, both
in what I have above observed, of the
Kings power concerning matters of judi-
cature, and in that God chargeth upon the
King, the care of *executing justice*, *Ier.*
21. 12. ch. 22. 2, 3, 4, 15, 16. See also
2 Kings 15. 6.

Gemar. in
Sanh. c. 2.
Sect. 6.

4. But this *Rabbinical Sanhedrim*
(whose name being of a *Greek extraction*

104 *The Jewish Synedrial power was not*

B. 1. C. 3. from *συνεδριον*, may somewhat intimate the time of its production) consisting only of *Rabbies* or such *Students in the law*, who received *ordination*, it is reasonably concluded by Mr *Thorndike*, that it could not be such in the flourishing times of their Kingdom, when no doubt *Princes and noble persons* enjoyed places of dignity and authority. And whereas these *Rabbinical Courts of Judicature*, consisted of *three persons only* in lesser places, of *twenty three* in greater Cities, and the supreme Court precisely of *seventy one*, it is highly probable, that this model so far as respects the number, was not the ancient usage in *Israel*; there being no account of any such Courts given, either by *Josephus*, or *Philo*. Yea *Josephus* declares that which is sufficiently contrary hereto; that in every City, the Government was to be managed by *seven men*, with *two Levites*, which he mentioneth as the direction of *Moses*; but this is not reconcileable with the *Rabbinical notions*, notwithstanding all the endeavours of some learned men to that purpose. And when we read of a Court of *ten Elders* at *Bethlehem*, *Ruth* 4. 2. and of *seventy seven Elders* at *Succoth*, which was a City of the *Gadites*, *Jud.* 8. 14. it is manifest that in those times, they had not the same number of Judges

Of Religious Assemblies. c. 3.

and precise number of Judges.

Ant. l. 4. c. 8.

Judges and Rulers, which the latter times did direct, but very different, as is from hence observed by Bishop *Bilfon*.

Sect. 1.
Perpetual
Gov. of
Chr. Church.
ch. 4. p. 21.

5. I know it hath been an opinion, commonly received without much examination, that this great Court had its *original* in the Wilderness, when the *seventy Elders* were taken unto *Moses* his assistance in the Government, *Num*, 11. which Mr *Selden* accounts a matter so clear, that he receiveth it with *nihil certius est*. But he who shall consider, that all the evidence that those 70. *Elders* were such a *Sanhedrin*, as I have above discoursed of, doth depend upon the *tradition* of a very distant age, and that there is no certainty, that the 70. *Elders* mentioned in the Book of *Numbers*, were *one Court*, and not Officers in *distinct limits*; as also that the History of the Book of *Judges*, and of the time of *Samuel*, who was himself chief Judge of *Israel*, and in his own person held his *assizes* in Circuit, (twice in the year, as *Josephus* tells us) give sufficient evidence, that there was no such *supreme Court* in being all those times, which he judged *Israel*, and that in the following times, the authority claimed to them, was enjoyed by the *Kings*, as I have evinced; I say, he who considers all this, may very well question, if not deny its so *early original*.

De Syn. 1.
2. c. 4.
n. 12.

1 Sam.
7. 16.

Ant. 1. 6.
c. 3.

B. 1. C. 3. *ginal.* And the Jewish traditions concerning the *continuance* of this Court, and the series of *succession* of its *presidents*, c. 16. n. 23. p. 661, hath no shew of probability. They ordinarily account from *Moses* till the *Kings of Israel*, that the several *Judges of Israel*, were the successive *heads* of the *Sanhedrim*; and yet there is no mention of any such Court, in all the History of the *Judges*, and many things therein shew them to have *judged Israel* as single persons, or a kind of *Monarchs*: and had there been such a settled great Court of Judicature with them, that people had not been left upon the death of the Judge, in such confusion and *Anarchy*, that every man *did what was right in his own eyes*. And the Jewish Writers produce different *Catalogues*, of the *נשיא* or president of the *Sanhedrin*, which speaketh them to be at great uncertainty concerning it. And many of them will have *David*, and some other Kings to have been *Presidents* of this Court, which is contrary to another of their own *traditions* above-mentioned. But these uncertain and groundless *Fables*, are rejected by divers learned men; and even *Selden* himself acknowledgeth, that what the Jewish Writers deliver, is *successio intuenti hand satis commoda*. And not only *Petavius* and *Pererius* have disowned

Ibid. n. 4.
5.

Ibid. n. 6.
p. 674.

owned the Constitution of this *Sanhedrim* Sect. 3. to be from *Moses*; but *Carpzovius* lately, *Carpz. in* and *Conringius de Republica Hebraica*, and *Schickard. p. 11. p. 16.* *Finschmuthius de rege eligendo & deponen-* & passim. do, as they are by him cited, will not allow it to precede the Captivity.

6. There is also another conceit, which hath taken place with many, as *Junius* and *Tremellius*, in *Deut. 17. Bertram*, and *L'Emperour*, our English Author of *Jewish Antiquities*, and others; that God appointed two *Synedrual Consistories* among the Jews, the one civil, the other Ecclesiastical. Now if all that is designed by this notion of a distinct Ecclesiastical power, was no more than that the Priests, as Gods Officers, were by divine authority empowered to judge and determine, of what related to the regular purity of the Temple-worship, and of the Rules of Ceremonial cleanness and uncleanness, and such like things, still acknowledging that they were subjects to the Royal Government, all this is to be granted and asserted; and some intimations there are in the Jewish Writers, of a Council or Consistory of Priests. But since the authority pleaded for, in the management of this notion, is a proper supremacy in Causes Ecclesiastical, so that both these pretended Consistories, are stiled by *Bertram*, *summa & suprema judicia*, this (which

Of an Ecclesiastical Sanhedrim.
Bertr. de Reg. Hebr. c. 11.
L'emp. in Bertr. ibid. & in Mid-doth. c. 5. Sect. 3.
Mof. & Aar. l. 5. c. 1.

V. Hor. Hebr. in Mat. 26. 2.

Bertram. ibid.

B.1.C 3. (which is also improved by some, in favour of the highest sort of *Presbyterian Consistories*, and againk the *supremacy* of the *King*, in matters of the *Church*) is necessary to be rejected; concerning which it will be sufficient to note two things.

7. First, That this hath no foundation in the *Jewish Writers*, according to whom it is not to be doubted, but that in the declining time of their state, they had only one *Great Sanbedrin*, which took cognisance both of *chief*, *civil*, and *Ecclesiastical* causes. And the asserting of two such properly distinct *Synedrial Courts*, is justly exploded by *Grotius*, *Selden*, *Dr Lightfoot*, and others well acquainted with *Jewish* learning. And what number soever they had of *particular Consistories*, the *Royal* power hath been sufficiently proved *supreme*, as well in causes *Ecclesiastical* as *Civil*.

Grot. de
Imp. c.
11. n. 15.
Seld. de
Syn. l. 2. c.
4. n. 5.
Hor. Hebr.
in Mat. 26.
v. 3.

8. Secondly, The pretended proofs from *Scripture*, upon which they who embrace this conceit do build, are very weak. Some persons would find an evidence for a *divine appointment*, of an *Ecclesiastical Sanbedrin* of 71. in *Exod. 24. 1.* where God said unto *Moses*, *Come up thou and Aaron, and Nadab, and Abihu, and seventy of the Elders of Israel, unto the Lord;*

Jus divin.
Regim.
Eccl. Part.
2. ch. 12.

Lord; and worship ye afar off. And yet Sect. 3. here is nothing at all mentioned concerning any Consistory, or power of Government; nor is it usual to account seventy four persons to be but seventy one.

9. Others, as *L'empereur* and *Rutherford*, insist on *Dent.* 17. 8.--12. where a Court of Appeals in difficult cases is established, and the Law declares, *If there arise a matter too hard for thee in judgment, between blood and blood, between plea and plea, between stroke and stroke, being matters of controversy between thy gates; then thou shalt arise, and go to the place which the Lord thy God shall choose. And thou shalt come unto the Priests, the Levites, and (which Particle some render or) unto the Judge.* Now all the force of argument from this place, for two distinct Consistories, is, that here is mention both of the Priests, and of the Judge. But this Text gives sufficient intimation, that here is only one chief Court designed; and that with particular respect to matters of civil cognisance; which might consist of Ecclesiastical or secular persons, or rather of both. *Josephus* tells us there were *συνελθόντες ὁ, ἡ ἀρχιερεὺς, καὶ ὁ πρεσβύτερος, καὶ ἡ γερουσία*, in the same Assembly, the High Priest, the Propbet, and the Company of Elders meeting together. And the

L'emp. in Annot. in Bertr. & in Comment. in Mid-doth. ubi supra. Rutherford. Div. Right of Ch. Gov. ch. 23. p. 505.

Ant. Jud. l. 4. c. 8.

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B. 1. C. 3. the Law of Moses did also expressly require, concerning one and the same case, *Dent.* 19. 16, 17. *If a false witness rise up against any man, to testify against him that which is wrong. Then both the men between whom the controversy is, shall stand before the Lord, before the Priests, and the Judges which shall be in those days, and the Judges shall make diligent inquisition.* And how the Priest might sometimes be particularly concerned, in the enquiry about civil Cases, and matters of trespass and injury, may be observed from *1 Kings* 8. 31, 32.

Grot. de
Imp. c. 11.
n. 15.
Joseph.
Antiq. l. 9.
c. 1.

10. Another place frequently alledged, for this Ecclesiastical Sanhedrim, distinct from the civil, is the constitution of *Jehosaphat*, *2 Chr.* 19. 8. --- 11. which is ordinarily called, the restoring the Synedrial Government. But *Grotius* doth with considerable probability deny, that two Courts were here appointed, and *Josephus*, whom he cited, seemeth to be of the same mind. And I think it sufficient to add, that since two distinct Courts do not appear enjoined by the Law of Moses, and since *David* and *Jehosaphat* did differently model their Courts of Judicature, in compliance with the end and design of the Law of Moses, *1 Chr.* 26. 29.---32. *2 Chr.* 19. 8.---11. it is not to be doubted, but this modelling was performed,

performed, by their own *prudence* and Sect. 3.

Royal Authority. But that here was no such *Sanhedrim erected*, as is pretended, is the more manifest, because I have given plain evidence, that both before and after *Jehosaphat's* time, the power claimed as peculiar to them, was *exercised* by the *King*. Nor could the act of *Jehosaphat* give any Court an *original sanction*, as from the *Law of Moses*, nor ought it to be imagined, that he *invested* them with any power paramount to the *Royal*, by which they were constituted.

11. And now again I think it not unmeet to apologize for the length of this discourse, concerning the *Synedrial power*, which is much larger than I could have desired it to have been. And yet considering how great the *mistakes* of very many Christian Writers are, in this particular, and to what *ill purposes* this error hath been by some abused, both for the *subverting* the *Royal*, and *Ecclesiastical Government*; I thought it useful to add this Chapter in this place, and to say so much therein, as would be sufficient with impartial men, for the *refuting* over-grown *mistakes*. And this I have done the rather, because one of the most ingenuous Romanists lately, though he mention other Pleas, doth insist on this as a chief one, against the

P. de Marc.
Proleg. p.
23, 24, 25.

B. I. C. 3. the admitting that *Royal Supremacy* asserted in the *Church of England*, to be proved from the Authority of Princes under the Old Testament, because, he tell us, the *King* then in all difficult Cases, must depend on this great *Sanhedrin*. And this he there insists upon with particular opposition to the *Anglobritanni*, or the positions concerning the due authority of *Princes*, which are asserted in the *Church of England*.

CHAP.

CHAP. IV.

Arguments for Royal Supremacy in Causes Ecclesiastical, from the nature of Sovereignty, and the doctrine of Christianity: with an enquiry how far Princes who are not of the Church, may claim and use this authority.

SECT. I.

The evidence hereof from the nature of Sovereign power.

I. **I**N considering the nature of civil Princes as Gods Ministers must take care of his honour and Religion. Government, we may in the first place reflect upon the original thereof. It is derived from and appointed by God, who as Creator and Lord of all, hath the highest right to rule and govern the whole World. Hence the Apostle calleth Government, an Ordinance of God, and Rulers *his Ministers*, Rom. 13. 1, 2, 3. who are also stiled *Children of the most high*, Psa. 82. 6. And that this is a *divine institution*, was constantly acknowledged by the *ancient Christians*, notwithstanding their persecution from the civil powers, as

I

is

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B. 1. C. 4.
Tertul. A-
pol. c. 36.
& ad Scap.
c. 2.
Euf. Hist.
Eccl. 1. 7.
c. 1d.

is manifest from many expressions to that purpose, of *Tertullian*, *Dionysius*, *Alexander*, and others, of which thing I shall discourse more in another place. Wherefore Rulers ought to take care of the service of God in the World: for if any servant be empowered to govern other servants, in his Masters Family, and to oversee his affairs, can it be supposed, that he ought only to keep these servants from abusing one another, and not to take care of the interest of his Master, who employs him, whether his business be done or no, and whether they express due respect to him, or vilify and despise him? And if a Prince appointeth any *inferiour Governour*, is it not expected that this man in his place should take care, to maintain the honour and sovereignty of his Prince, as well as the interests of particular men?

This need-
ful and
reasonable.

2. And since it is manifest by the experience of the World, that the duties to God are not duly performed by all men of their own accord, nor with the sole help of the spiritual guides; and since the authority of the civil power hath a like influence, upon discountenancing or reclaiming offenders in matters of Religion, and in common honesty; it cannot be less necessary that those whom God intrusts with secular authority, should take care of

proved from Reason and the Christ. Doctr. 115

of his worship, honour, and service, than Sect. 1.
of other things; unless it could be presumed that the acknowledging and honouring *humane authority*, and being just, is more a duty to man, and more his interest, than the acknowledging and honouring of God is. But God being above all, and the common father of mankind, upon whom we all depend, and unto whom we are most engaged, it justly seemed strangely unreasonable to *Philo the Jew*, that it should be thought needful that care be used, to secure the performance of honour and duty, to other Parents and Governours, and that no such regard should be had to God. And it was esteemed an high absurdity by *S. Austin*, that offences against men should be punished and corrected, but not those against God. And this was so much the general sense of mankind, that *Seneca* could aver, *Violatarum religionum aliubi atq; aliubi diversa poena est, sed ubiq; aliqua*; that there were different punishments in several places, but every where some for them who violate Religion. And even our holy Saviour in his prophetick zeal, thought fit by a scourge, twice to drive out them who polluted the temple, who would not undertake to divide inheritances, or to pass a judicial sentence upon the Adulterers.

Phil. de
Temul. p.
259. & de
profug. p.
462.

S. Augu-
stin. cont.
Gaud. Ep.
l. 2. c. 11.

De Benef.
l. 3 c. 6.

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B.1.C 4. And all *Governours* as they have received greater accessions of *honour* from God, than others have, are obliged thereby the more to honour him, and promote his service.

Religion of
great use to
the good of
Mankind.
De Charit.
p. 717.
De Deca-
logo, pag.
751.

3. It being generally acknowledged, that the secular authority is to take care, that *justice, honesty, peace* and *virtue* be established and preserved in the World, even from hence we may infer the necessity of its care about *matters of Religion*; the exercise of which, is the best and *surest principle*, of all honesty, justice and virtue. Religion as *Philo* observed, rendreth the men who embrace it, *sober, just, and faithful*, whilst the contrary spirit prevailleth in them who *reject piety*, as the same Author observeth. And he who considers, how mightily the *Christian doctrine* enjoineth *righteousness*, meekness, peace, love, and all goodness; and how it enforceth the practice of all these by a lively *sense of God*, and a belief of his dreadful *threatnings*, and excellent and glorious *promises*, must confess that these practices and exercises are powerfully promoted, by the embracing and establishing the true *Christian Religion*. Indeed there are many who *profess*, but do not *practise* this holy Religion; but in them who embrace the *true principles* thereof, as the *primitive Christians* generally did, its defenders

De Charit.
Ibid.

fenders could with confidence appeal even unto their Enemies (as *Tertullian* and *Origen* do) whether Christians were not hereby more free, than other sorts of men were, from *Sedition* against Princes, from all acts of *wrong* and *injury* against men, and *profaneness* and *impiety* against God.

Sect. 1.
Tert ad
Scapulam.
c. 2.
Orig cont.
Cell. l. 3.
p. 128,
129.

4. And even they who *persecuted Christianity*, have acknowledged, that upon the strictest enquiry, they discovered that men therein *obliged* themselves, by *sacred vows*, not to the committing any kind of wickedness, but against it; *ne furta*, *ne latrocinia*, *ne adulteria committerent*, *ne fidem fallerent*, &c. Indeed a right principle of Religion is much more effectual, for the promoting honesty and righteousness, than all outward *penalties*, as laying a powerful *restraint*, upon all ways of unrighteousness, even when no eye of man can observe. Now can it be thought reasonable, that the Rulers *charge* should be, to take care of these ends now mentioned, and should be *constituted of God* to that purpose, and yet should be obliged to have no care of those things, without which these ends can never be secured? To assert this, would be to cast a high reflexion upon the wisdom and Government of God.

Plin. Ep. l.
10. Ep. 97.

5. We may also now compare the pa-

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B. I. C. 4. *ter*nal and *æ*conomical Government, with the Regal. These are so near of Kin, that it is not only acknowledged by *Protestants*, but even by the *Jews*, as we may see in *Philo*, and by *Papists*, as is declared in the *Catechism* according to the Decree of the Council of *Trent*, that in the *fifth commandment* of the Decalogue, the *Royal Authority* is included under the name of the *paternal*. Now the Governour of a *Family* hath such an authority, as extendeth it self to the things of *Religion*, in that he is to take care of the welfare and good of his *Family*. For there is great good included in the nature of *Religion*; which brings inward *quiet, peace*, and satisfaction of mind, by *subduing violent passions*, and inordinate *appetites*, and by eying *Gods providence* in all things, with *submissiveness* to him, and *dependance* upon him; and it also brings very high advantages, as it is the way to enjoy *Gods blessing* here, and eternal happiness hereafter, and therefore there cannot be any exercise of a true *Fatherly love*, where it doth not dispose the person, to a care of so great a concernment as *Religion* is. And accordingly the *Apostle* commands *Parents*, to bring up their *Children*, in the *nurture and admonition of the Lord*, *Eph. 6. 4.* and *God* declared his great approbation

Ph. de Decal. p. 767.
Catech. de Decal.
Præcept.
Royal Government
and paternal compared.

proved from Reason and the Christ. Doctr. 119

bation of Abraham, in that he would Sect. 1.
command his Children, and his Household
after him, and they would keep the way of
the Lord, to do justice and judgment, Gen.
18. 19. or that they would so entertain
the principles of true Religion, that this
should be a foundation of righteousness
and well-doing.

6. And there are the same reasons, to
engage the Royal power to take care of
Religion, because all civil powers are to
intend the good of their inferiours, ac-
cording to the doctrine of S. Paul, Rom.

V. Sacr.
Imo ad
Conc. Eph.
in Tom. 1.
Con. Eph.
c. 32.

13. 4. And the instances of David, Jeho-
saphat, Hezekiah, Josiah, Constantine,
Theodosius, and many other pious Kings
and Emperours do manifest, that they
are capable of procuring very great good
to their Subjects, by their pious care about
the matters of Religion. And no doubt S.
Austin might with good reason be confi-
dent, that the Laws of Christian Princes
about Religion, had been the occasion of
bringing many to Salvation by Jesus
Christ.

Cont. Ep.
Gaudent.
12. c. 17.
& in Epist.
50.

7. And the Royal Government is much
of the same nature with the paternal en-
larged in the extent thereof over several
Families; but not restrained in the nature
of it, and in the most excellent and useful
part of its authority; Gods Ordinance

I 4

hereby

B. I. C. 4. hereby placing others in that authority, which *Adam* and *Noah* had, over their multiplyed and enlarged Progeny. Hence Princes are fitly stiled, *ἄγιοι γονεῖς*, the common Parents of Cities and Kingdoms, their political and civil being having a dependance also upon them, who were called, *Patres patriæ*.

8. And the consideration of the paternal power, will remove the objections, which some men make use of, against the authority of Princes in matters of Religion. For if Religion must be so far left free, as not to be commanded and enjoined, by any humane civil power, then would *Abrahams* commanding his Children and Household, have been blameable, he being in his Sphere a secular Ruler, as well as a Prince is. Or if it be pretended, that grown men who are come to years of understanding, and have undertaken the profession of true Religion, ought to be so far left to their own choice, as not to be under the Government of any civil power, with respect to Religion; this also is refuted by the instance of *Abraham's* commanding his Household, which was so large, that many years before this time of the destruction of *Sodom*, when God gave *Abraham* this commendation, he could arm three hundred and eighteen Souldiers of

V. Sallian.
An. M.
2118. n.
13. & an.
2138.

proved from Reason and the Christ. Doctr. 121

of his own Household, Gen. 14. 14. and all Sect. 1.
his numerous Family had been Circum-
cised. And since *Abraham* continued un-
der the *bleſſing of God*, it is very probable
that his Family was further enlarged, be-
fore the time of this commendation of
him.

9. To all this I ſhall add, that he who
doth ſoberly conſider, what ſad *diſturban-
ces* and *commotions* in divers Kingdoms
have been the product of the *corruptions*
and *errors* in the Chriſtian Religion; both
upon the account of the *Papal Uſurpati-
ons*, under the pretence of *ſpiritual power*,
and by reaſon of the *diſloyal poſitions*, and
tumultuous practices of other Sects, and
their frequent *Rebellions*; ſhall need no
other argument to convince him, that the
Princes exerciſe of *Government* about the
affairs of Religion, is greatly neceſſary for
the ſecuring his *own authority*, the peace
of his *Kingdoms*, and the property of his
ſubjects.

SECT.

SECT. II.

The same established by the Christian Doctrine.

De Con-
cord. in
proleg. p.
25.

Christiani-
ty establish-
eth Regal
Supremacy.

1. That the Gospel Doctrine never intended to destroy, or diminish the right of secular powers, is granted by some of chief note amongst the Romanists, *Christus* (saith P. de Marca) *cum Evangelium suum institueret, regum dignitatem non lesit.* And this is not only manifest, from the tendency of those great Christian duties of *humility, meekness, peace and righteousness*; but also from the many particular injunctions of *subjection* to Rulers, and from our blessed Saviour his commanding to *give unto Cæsar, the things that are Cæsars.* And also in that the Christian Doctrine doth peculiarly enjoin *fidelity and obedience*, in all inferiour relations towards their superiours, that by the practice of this duty, *Christianity* may be adorned and recommended in the World, even to those who did oppose or reject it. *Tit. 2. 9, 10. 1 Pet. 2. 12, 13, 14, 15. ch. 3. 1, 2.*

2. And with some prospect to *Christianity*, the Kings of the Earth are called upon to *serve the Lord, Ps. 2. 10, 11.* and are

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are foretold to be *nursing Fathers*, Is. 49. Sect. 2.

23. And both this and their *undertaking Christianity*, and being *baptized* into it, doth require them in their places, and by their interest and authority, to take care of the *honour* of God, of his *Church* and *Religion*. And S. *Austin* well declares, that Kings then serve God in their Kingdoms, when they therein command what things are good, and prohibit evil; *non solum quæ pertinent ad humanam societatem, verum etiam quæ ad divinam Religionem*, as well concerning Religion as humane affairs.

Cont.
Cretic. l. 3.
c. 51.

3. And lest any should think, that the establishing the *Kingdom of Christ* according to the Gospel Doctrine, should give any exemption to the *subjects* thereof from any part of that duty, which was incumbent upon them towards other Kings and Governours: S. *Peter* speaking to Christians, under the Titles of a *chosen Generation*, a *Royal Priesthood*, and a *holy Nation*, doth yet (as Bishop *Andrews* observed) particularly enjoin upon these persons, submission to the *King as supreme*, and to the *Governours sent by him*, 1 Pet. 2. 9, 13, 14. And the business of the civil power is there declared to be so general, as to be for the *punishment of evil doers*, and the *praise of them that do well*, and

In Resp. ad
Bellarm.
Apol. c. 3.

to

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B. I. C. 4. to the same purpose writeth S. Paul Rom. 13. 3, 4. So that he who would exclude *matters Ecclesiastical*, or concerns of Religion from their government and care, under the New Testament, must undertake to assert, that the *performances of Religion* contain nothing in them of *well-doing*; and that the neglecting, contemning, or opposing it, is no part of *evil-doing*: which are such *blasphemous assertions*, as no man can embrace, unless he be sunk into *Atheism*, and so really owneth no Religion at all. And S. Aug. from Rom. 13. 2. infers, that he who contemns the *Emperours commanding for truth*, brings judgment upon himself.

Aug Epist.
166.

4. And when the Apostle requireth, that *Prayers be made for Kings*, and all in authority, that we may lead a quiet and peaceable life, in all godliness and honesty, (which includeth both Righteousness and Sobriety) he thereby expresseth the right administration of Government to be advantageous to these ends. Now as it is manifest that Rulers should not only not oppose Peace, but establish it; and not only not prostitute honesty and sobriety, but defend and enjoin the practice of them; so the Apostle mentioneth *godliness*, as that which they should advance equally, and in like manner with peace

1 Tim. 2.
12.

peace and honesty. Nor can we suppose Sect. 2.
that the *Christian Prayers* were only de-
signed, that Kings and Rulers with respect
to these particulars mentioned, should do
no hurt: but since Gods Ordinance of Go-
vernment is a *useful institution*, that Chri-
stian Prayer which suiteth the Christian
doctrine, can desire no less, than that this
institution should attain its end, and be-
come every way effectual for the *doing*
good. And many Christian Princes have
signally advanced both the doctrine and
practice of Godliness and Religion.

5. And that *Ecclesiastical persons* as *Ecclesiasti-
cal persons
subject to
Princes.*
well as others, are included under the duty
of *yielding obedience*, and subjection to
this authority, doth appear from that ge-
neral Precept, *Rom. 13. 1. Let every Soul be
subject to the higher powers.* Where as
the expression is *universal* and unlimited,
so the Comments of *S. Chrysostome, Theo-
doret, Theophylact, and Oecumenius*, do
plainly declare all *Ecclesiastical persons* *In Loc.*
and Officers, of what degree soever, even
Apostles and Evangelists, to be concerned
therein. But this sense of these words,
though urged also by *S. Bernard*, is not
embraced by the present *Romish Writers*:
but their *exceptions* made use of to *elude*
this testimony, are of no great force. For
while they tell us, that *these words* do as
much

*S. Bernard.
Ep. ad Se-
nonens.
Archiep.
Est. in loc.
Gr. de Va-
lent. Tom.
4. Disp. 9.
qu. 5.
punct. 4.
Bell. de
Rom. Pont.
l. 2. c. 29.*

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B. 1. C. 4. much (if not more) require *subjection* to the Ecclesiastical power, as to the temporal, those who thus interpret, are by S. Aug. censured, to be *sane imperitissimi*. And that the Apostle doth directly discourse here, of obedience to the civil and temporal Rulers, appears evidently from his mentioning their *bearing the sword*, v. 4. and *receiving tribute*, v. 6.

Aug. cont.
Ep. Parm.
l. 1. c. 7.

6. And the pretence, that this command doth only oblige them who are properly subjects, but not those Ecclesiastical persons, who are pretended not to be subject, but superior to the secular power, doth proceed upon such a Notion, which was wholly unknown to the ancient times of Christianity. For it was then usual to hear such expressions as these, *Colimus Imperatorem ut hominem à Deo secundum, & solo Deo minorem*: we reverence the Emperour as being next to God, and inferior to none besides him. And S. Chrysostome owned Theodosius as the head over all men upon Earth, i. e. in his Dominions. And according to this perverse Exposition, there is no more evidence from the Apostles doctrine, concerning any Christians in general being subject to Princes, than concerning Ecclesiastical Officers; because his doctrine must then be owned only to declare, that those who are in sub-
jection

Ternul. ad
Scap. c. 2.

Hom. 2. ad
Antioch.

proved from Reason and the Christ. Doctr. 127

jection ought to be subject, but not to Sect. 2.
determine whether any *Christians* were
to be esteemed subjects to the Pagan Rulers
or no.

7. But though the Apostles were ready
to declare all *needful truth*, even before
Princes and *Consistories*, we never find
them when they were accused before *Ma-*
gistrates, to plead against their power of
judicature, or that they had no authority
over them; but they defended themselves
and their doctrine before them. And
when S. Paul declared, *Act. 25. 10, 11. I* S. Paul's
stand at Caesars Judgment seat, where I ought appeal con-
to be judged: if I be an offender, or have sidered.
committed any thing worthy of death, I
refuse not to dy, --- I appeal unto Caesar:
he doth thereby acknowledge the Empe-
rour to have such a power over him, who
was a great *Ecclesiastical Officer*, as to take
cognisance of his acting, whether he did
any thing worthy of death, or of civil
punishment.

8. But against this instance, *Bellarmino* De Rom.
who in his *Controversies* did yield, that Pont. l. 2.
the Apostle did *appeal to Caesar*, as to *his* c. 29.
superiour in civil causes, afterwards retracts
this and declares, that the Clergy being
Ministers of the King of Kings, are exempt
de jure from the power, not only of *Chri-*
stian, but of *Pagan Kings*; and there-
fore

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B. 1. C. 4. fore asserteth that S. Paul appealed unto
In Libr. Caesar, not as to his superiour, but as to
Recognit. one who was superiour to the President of
Judea, and to the Jews.

9. But such shifts are, first, contrary to the sense of the ancient Church, concerning this case; as may be observed from the words of Athanasius, who being accused before Constantius, telleth him; if I had been accused before any other, τὴν σὴν δισβειαν ἐπιχλεύμην, I would have appealed unto your piety, even as the Apostle did appeal unto Caesar, — but from thee to whom should I appeal, but to the father of him, who said, I am the truth; which words declare this appeal to be as to a superiour, and the highest on Earth, who is only under God. Secondly, this perverteth the Apostles sense and contradicteth his words, who declared in his appealing, where he ought to be judged, if he had done any thing worthy of death; which is a plain acknowledgment of superiority over him:

10. Thirdly, Besides, that all appeals are owned by Civilians and Canonists, as an application from an inferiour Judge, to a superiour Judge: this particular liberty of appealing to the Roman Emperour, was a priviledge granted only to them who were free Citizens of Rome: and the
Apostle

Athan. A-
pol. ad
Constant.

Apostle could not *claim* this, but by own- Sect. 2.
 ing himself a *Citizen of Rome*, and there-
 fore a *subject* to the chief Governour
 thereof. For this appeal was founded up-
 on that *Roman law*, which condemned
 that inferiour Judge as deeply criminal, who
 should punish any *Citizen of Rome* thus
 appealing. To this purpose, *Julius Pau-* Jul. Paul.
lus saith, *Lege Julia de vi publica dam-* Sentent. l.
natur, qui aliqua potestate præditus; ci- 5. Tit. 28.
vem Romanum, antea ad populum, nunc n. 1.
ad Imperatorem appellantem, necarit, ne-
carive jusserit, torserit, verberaverit,
condemnaverit, in vincula publica duci
jusserit. And accordingly upon this ap-
 peal, *S. Paul* declared; that *no man*, (no
 not *Festus* himself, the President of *Judea*,
 who otherwise was inclinable to have
 done it) might deliver him to the *Jews*,
Act. 25. 11.

SECT. III.

*What authority such Princes have in mat-
 ters Ecclesiastical, who are not members
 of the Church:*

1. It may be said, that what is declared
 by *S. Peter*, and by *S. Paul* to the *Romans*,
 and also his appeal, did immediately re-
 spect *Heathen Governours*; and therefore

K

if

B. I. C. 4. if these places will prove any thing, of the Princes power in matters Ecclesiastical, they must fix it in *Pagan Princes*, as well as in Christian. And this is the principal thing objected against the argument from *S. Paul's appeal*, by Mr *Rutherford*; who tells us, that this would own the *Great Turk*, to be Supreme Governour of the Church.

*Div. right
of Ch. Gov.
ch. 26.*

2. And it must be confessed, that it is a very sad and heavy calamity to the Church when those *sovereign powers* who are not of the *true Religion*, will intermeddle in the *affairs of the Church*, without the fear of God, and due respect to the Rules of Religion. Such was the case of the *Jewish Church*, under the *Roman power*, which undertook to *dispose of the High Priesthood* in *Jewry*, against both the letter of the law, and the design of it. But no *Governours* whosoever they be, whether of the Church, or Strangers from it, have any *right* to do such things, no more than *Jeroboam* had, to set up the *worship of the ten Tribes of Israel*, contrary to the *Law*; or than the *Arian Emperours* had, to oppose the Deity of the *Son of God*, against the *Gospel*. But though it be very desirable, that all parts of the Christian Church should be under Christian and *pious Princes*, yet where other powers

ers do take care, that the Christian Church Sect. 3.
and Ministers do observe the true *Christi-*
an Rules, as the Archbishop of *Spalato* Spalat.
tells us was done in that part of his Pro- Ostensio.
vince, which was under the *Turk*; this Error. Fr.
so far as it is regularly performed, is Suar. c. 3.
an *advantage* to the Christian Religion, n. 23.
and no blameable exercise of their autho-
rity.

3. I think it a very plain and clear *All Sove-*
truth, that *Kings* and *Princes* are invested *raign pow-*
with an authority, to *govern* in matters of *ers ought to*
Religion, not as originally arising from *profess and*
their *Christianity*, but from their gene- *promote*
ral right of *Dominion* and *Sovereignty*. *true Reli-*
Nor will there be any difficulty in this as- *gion.*
sertion, if we consider that this power of
governing about Religion, encludeth only a
right of *establishing* by their authority,
what is truly *unblameable*, orderly, useful
and necessary, with respect to Religion, and
of *enquiring* into the practices of their sub-
jects thereupon, in order to *approbation or*
punishment; but gives no authority against
truth or goodness.

4. And though some persons by popu-
lar expressions *declaim* against this positi- De Ministr.
on, yet the substance of it hath been yield- Angl. l. 3.
ed by men of various persuasions. M^r Ma- c. 4.
son in his defence of the Ministry of En-
land asserteth, That they who are *Hea-*
thens,

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B.1.C.4. *thens*, have the same office and authority of the higher power, that the Christian Magistrate hath, but want the right exercise of it in matters Ecclesiastical. Our English Presbyterians have asserted, that Heathen Magistrates may be *nursing Fathers*, may protect the Church and Religion, and order many things in a political way about Religion, may not extirpate or persecute the Church, may help her in reforming, and may not hinder her. And Spalatensis asserteth, that the power of the Prince, in the external things of the Church, is so necessarily connected by divine, natural, and positive right, with the Royal power, *ut infidelis etiam princeps tali, si velit & sciat, legitime uti possit potestate*; that even an infidel Prince may use that power, if he understand his duty, and be willing to perform it. And this assertion is approved even by Didoclavius (or M^r Caldwood, Didoclavius being the Anagram of Caldivodius) one of the most eager of the Scottish Presbyterians. And Rivet very rightly averreth, *In infideli principe non est defectus potestatis, sed voluntatis tantum*; that an infidel Prince doth not want authority, but will and inclination to advance the true Religion.

Jus div.
Reg. Eccl.
c. 9. S. 1.

Spalatens.
ubi sup.

A Itar.
Dam. c. 1.
fin.

In Decal.
ad quint.
præc.

5. Surely it is past doubt, that where
ever

ever true Religion and Christianity is de- Sect. 3.
clared, and manifested in the World, it is
the duty of all men to receive and em-
brace it, because as they are Gods Crea-
tures, they ought to obey and honour him,
and submit to his Laws and believe his Re-
velations; and thereupon every supreme
Magistrate ought to advance the name of
Christ, and the true Doctrine and Religion.
And if a Pagan Prince upon understand-
ing the truth, shall use his authority for
its advancement, this power is justly ex-
ercised in such Causes Ecclesiastical. I pre-
sume no Christian will deny, that Nebu-
chadnezzar did well in making a strict
Law, that none should speak amiss against Dan. 3. 29.
the God of Israel; and Darius also in ma-
king a Decree, that men tremble and fear
before the God of Daniel, Dan. 6. 26. and
Cyrus, Darius, and Artaxerxes, in giving
order for the rebuilding the temple at Je-
rusalem, restoring its Vessels; and furnish-
ing it with Sacrifices, and executing judg-
ment on the opposers hereof; with respect
to which thing, good Ezra blessed God,
who had put such a thing into the heart
of Artaxerxes. And that other Princes in
like circumstances, should follow the steps
of Nebuchadnezzar, Darius, and the
King of Nineveh, who proclaimed a strict
fast, and commanded his people to cry

B. i. C. 4. mightily unto God, is justly asserted by S. Aug. in his Epistle to Bonifacius.

50. Tertul. A-
pol. c. 5. 6. Nor are those Heathen Emperours to be censured, who acted any thing on the behalf of *Christian Religion*, as *Tiberius* threatned them, who at their perit should accuse *Christians*, for their Religion; and other publick rescripts there were, of *Adrianus*, *Ens. Hist. Eccl. l. 4. 9.* *Antoninus ibid. c. 17.* *Aurelius*, *Tertul. Ap. c. 5.* and *Galiennus*, *Ens. Hist. l. 7. c. 17.* which were in the favour of *Christians*. And it is a known and famous case concerning *Paulus Samosatenus*, who for *Heresy*, was deposed by the *Christian Bishops*, in the Council of *Antioch*, and *Domnus* appointed to succeed him. But *Paulus* refusing to leave his possession, the *Orthodox Christians* appeal to *Aurelianus*, a *pagan Emperour*, who referring the case to be heard by the *Bishops of Italy*, and about *Rome*; ordered the Church to be given to him, for whom they should determine, and by his authority was *Paulus* ejected; and neither his interposing, nor their appeal unto him, hath been ever thought culpable, nor yet *Paulus* his being dispossessed, unto τ' ἡγομηνος ἀρχης, by the secular power.

Constantine before his baptism exercised authority in things Ecclesiastical.

7. But above all others, the acting of *Constantine the Great*, before the time of

of his *Baptism*, seemeth very considerable, to evidence what power hath been exercised in things *Ecclesiastical* with the general approbation of Christians, by one not yet admitted into the Christian Church. Of which I shall give some particular instances, to which more may be added, beginning with what hath relation to the *peace and concord* of the Church. *Africa* in a short time gave birth to the Schism of *Donatus* and of *Meletius*, and the Heresy of *Arius*. The *Donatists* separated themselves from the Church, upon some exceptions they made against the ordination of *Cæcilianus*, and being condemned by the *African Catholick Bishops*, they apply themselves to *Constantine the Emperour*. But he being not versed in things of that nature, as *Optatus* tells us, did not (or as *S. Austin* several times saith, durst not) undertake the judging of the case himself, but by his authority, he appointed *Melchisedes* then Bishop of *Rome*, with three Bishops of *Gallia*, to judge thereof, and they by vertue of his delegation examined the case, and adjudged it against the *Donatists*.

Opt. cont.
Parm. l. 1.
Aug. Ep.
167. &
166.

Euf Hist.
l. 10. c. 5.

8. But they being still unquiet, and this hearing being ineffectual, for procuring the *peace of the Church*, he orders this to be further examin'd by the Coun-

B. 1. C. 4. *cil of Arles*, which he summoned, and en-
 joins the parties concerned to attend that
 Council, as his own Letters in *Eusebius* do
 declare. And *Baronius* who fixeth the
 Baptism of *Constantine* ten years after this
 Council, yet asserteth him to have been
 present in it; which by the way is suffici-
 ent to discover how little the presence of
Constantine in the Council of *Nice*, can
 prove him to have been then baptized, as
Baronius would thence infer; who was
 not there to give suffrage or vote, for the
 deciding questions of faith, but to observe
 their proceedings and preserve unity; and
 where indeed even Heathen Philosophers
 were sometimes present, which *Baronius*
 himself admitteth. And after all this, the
 Donatists being condemned at *Arles*, but
 still dissatisfied and turbulent, though *Con-*
stantine was unwilling to have judged a
Canonical case, concerning *Bishops*, in
 his own person, yet at last he undertook
 the hearing the Case of *Cecilianus* him-
 self, and justified him. And the accusati-
 ons the Donatists brought against *Felix*,
 who was one of them who ordained *Ce-*
cilian, was by the *Emperours* command
 and appointment, heard by *Helianns*, who
 declared him innocent.

Aug. Ep.
 166.

9. Touching *Arianism*, and the dispute
 concerning the time of the observation of
Easter,

Easter, *Constantine* endeavoured to com- Sect. 3.
 pose and end them, by sending *Hosius* Bi- Socr. Hist.
 shop of *Corduba*, both to *Alexandria*, and l. 1. c. 4. 5.
 into the *East*, or towards *Asia* to that pur- Soz. l. 1.
 pose. And after this by his authority, he c. 15.
 called that famous *Council of Nice*, to Euf. de
 Vit. Const.
 l. 2. c. 62.
 decide these Controversies; of which I
 shall add more in the next Chapter. And
 when they had determined these things,
 and the Case of the Meletians and others,
Constantine enjoined the burning of all
 the Books of *Arius*, and upon pain of Socr. l. 1.
 death required every Copy of them to be c. 6.
 given up, and not to be concealed. But
 afterwards being deceived by *Arius* and
 his Complices, he was very favourable un-
 to him. And many other things passed
 under his cognisance, relating to *Arius*, and
 his Confederates and Opposers.

10. He also published his Edicts against Cod. lib. 1.
 the *Donatists*, *Novatians*, *Valentinians*, Tit. 5. leg.
Marcionists and other Sects, forbidding l.
 their *Assemblies*, either private or pub- Euf. de
 lict, and commanding their ordinary meet- Vit. Const.
 ing places to be pulled down, or taken l. 3. c. 62,
 from them. And *Eusebius* observes, de 63.
Vit. Const. l. 1. c. 37. & l. 4. c. 27. how Sozom. l.
 for the procuring the peace of the Church, 2. c. 30.
 he frequently assembled Councils, and
 confirmed their Canons and Constituti-
 ons.

11. And

B. I. C. 4.

Euf. de
Vit. Const.
l. 4. c. 42.
Bar. an.
334. n. 8, 9.

Socr. Hist.
Eccl. l. 1.
c. 20, 21,
22.

11. And when he summoned the Council of Tyre, he expressed such words of authority as these, recorded by *Eusebium*, and from him admitted by *Balonus*. If, saith he, any one shall, as I suppose they will not, withstand our mandate, *ἡμεῖς ἐν κέλῳ*, and will not be present, there shall forthwith be sent one by us, who shall by the royal authority eject, (or banish) him, *ὅς ἐν βασιλικῷ πρῶτον αἰσῶν*, and shall let him know, that it doth not become him to resist the appointments of the Emperour, which are published for the defence of the truth. And *Athanasius*, otherwise unwilling, as *Socrates* informs us, did come to that Council, for fear of the Emperours displeasure. But when the proceedings of that Council against him, were very injurious and irregular, for which the Emperour afterwards sharply reprov'd them, *Athanasius* himself a man of a great and courageous spirit, and no way inclinable to any unworthy compliances, earnestly desired to have his case heard, and examined by the Emperour himself, who though at first unwilling, did undertake to hear it.

12. He also promulged divers laws, for the advancement of Christianity and piety; by them prohibiting idolatrous sacrifices, *Euf. de Vit. Const. l. 2. c. 44. & lib. 4. c. 23.*

c. 23. and taking care for the erecting Sect. 3.
 Christian Churches, *ibid.* l. 2. c. 44, 45.
Socr. l. 1. c. 12. and enjoining the rever-
 ent observation both of the *Lords day*.
 and of other *fasting* and *festival* days of
 the Christian Church, *Euf. de Vit. Const.*
l. 4. c. 18, 23. And all these things were
 looked upon by the Christians of that age,
 as no acts of an *intruding* and *usurping*
power, but were attended with great ap-
 probation and acclamations: and the pi-
 ous *Bishops* were ready and forward to
examine cases according to his order, for
 the Churches peace, or to meet in Coun-
 cils, according to his appointment. But
 where the Emperour through mistake did
 go beyond his bounds, the pious and Ca-
 tholick Bishops were then careful to pre-
 serve the true *Catholick rules* of order
 and Unity, as appeared in that notable in-
 stance, when he *commanded Arius* to be
 received into *Communion*, of which here-
 after.

13. Indeed *Constantine* did all this time *Euf. de*
believe, and own the *doctrine* of Christia- *Vir. Const.*
 nity; but was not till towards the end of *l. 4. c. 61.*
 his life solemnly admitted into the num-
 ber of the Catechumens, when he first re-
 ceived *imposition of hands*, according to
 the discipline of the Church. And there-
 fore when he owned himself to be consti-
 tuted

B. I. C. 4. tuted of God, ἐπίσκοπος τῆς ἐκκλησίας, he meant thereby that he had the oversight and government, and was to take care of those persons who were without the Church. And the like general sense of the word ἐπίσκοπος must be admitted, where Eusebius declares, that Constantine behaved himself towards the Church of God, as one who was ἡγὺς ἐπίσκοπος, a general Governour thereof. But whilest he was yet unbaptized, being not a perfect member of the visible Church, it would be very incongruous to assert, that he could derive his authority in causes Ecclesiastical, from his relation to that Church, whereof he was but a Candidate. And no authority of Government in the Christian Church, can be conveyed by Christianity, antecedently to the Baptismal admission.

SECT. IV.

An enquiry into the time of the Baptism of Constantine the Great, with respect to the fuller clearing this matter.

I. But because much of this depends upon the right fixing the time of Constantines Baptism, it will be no digression to take a true account thereof, which our later

ter Romish Writers do much misrepresent. Sect. 4.
Now *Eusebius*, the Chronicon of *S. Hierome*, and divers ancient Writers of good De Vit.
credit, inform us, that he received his Const. l. 4.
Baptism at *Nicomedia*, but a very short time c. 61, 62.
before his death (and *Constantius* also his Socr. l. 2.
Son was baptized at the end of his life c. ult.
and reign). But *Baronius*, *Binius*, *Durantus*, and before them Cardinal *Poole*, in a Bar. an.
particular Tract, and many other Popish 324. n. 29.
Writers, out of respect to the Romish See, &c.
will have his Baptism to be administred Bin. in Vit.
divers years before, at *Rome* by *Silvester*; Silv. Pol.
some of them boldly charging *Eusebius*, de Bapt.
with a design of forgery and falshood in Constant.
this relation. Durant. de
Rit. l. 1. c.
19. n. 8.

2. But he who shall consider, how Constantine not
much *Eusebius* conversed with *Constantine* baptized at
himself, and how remarkable a thing Rome by
his baptism must needs be, after the continued series of *Pagan Emperours*, and also Silvester.
how many particularities are expressed by
Eusebius, both concerning words and
actions of *Constantine*, at that time and
place, which had relation to his baptism;
will think it unlikely that his account
should be an imposture. And he who shall
further observe that *Nicomedia* was no Socr. l. 1.
obscure place, but a populous City, in which c. 5.
was an Imperial Palace, where *Constantine* sometimes resided, and there died;
and

B. 1. C. 4. and that all this was related to be done, in a time of so much remark, as then was the *fifty days from Easter to Whitsontide*, and when many *Bishops* were called thither, to be present at this solemn action; if all this was as *Baronius* and *Binius* pretend, a designed forgery of *Eusebius*, there was great want of cunning in the contrivement. And he must be a man arrived at a strange height both of *impudence* and *folly*, who would attempt the obtruding such a cheat upon the World, which could not but be generally contradicted in that age. I suppose that no man of common sense can persuade himself, that if he would undertake to write, that our late gracious *Sovereign*, King Charles the First, was put to death at *Dublin*, or *Edinburgh*, in 1660. (which is a parallel to what these men fancy of *Eusebius*) that ever he should be believed.

3. And yet it is much more incredible, that if this had been such a palpable *imposture*, that both *Socrates*, *Theodoret*, *Sozomen*, *Evagrius*, and divers other *Historians* since them, should agree with *Eusebius* herein, and that none of these, nor any other genuine *ancient Writer*, should make discovery of his error, who yet mention many things concerning *Constantine*, not expressed in *Eusebius*. And besides what

Socr. l. 1.

c. 26.

Theod.

Hist. Eccl.

l. 1. c. 32.

Soz. l. 2.

c. 32.

Evagr.

Hist. Eccl.

l. 3. c. 41.

what might be learned by general fame, B.1.C.4.
and particular writings, Socrates had Socr. l. 1.
himself opportunity of receiving intelligence, c. 7.
concerning divers things done in
Constantines reign, from some persons of
good credit, who lived till his time, and
one who was present in the Council of
Nice.

4. Besides this, *S. Ambrose*, who lived at Ambr. in
the end of that Age, and in *Italy* not far fun. The-
from *Rome*, where *Constantine* is preten- od.
ded to have been baptized, about thirteen
years before his death; gives a plain testi-
mony, that his baptism was at the end and
close of his life. For speaking of *Constan-*
tine, he saith, *Cui baptismi gratia in ul-*
timis constituto, omnia peccata dimisit;
which expressions have puzzled *Baronius*,
nor can they be referred, as he and *Binius*
would have them, to any time of sickness
but his last.

5. And that Synod held at *Ariminum*
in *Italy*, in the reign of *Constantius*, con-
sisting of the *Western Bishops*, which held
the Faith of *Nice*, declared their resolution
in their *Synodical Epistle* to *Constantius*,
which is extant in *Athanasius*, *Socrates*, Athan de
Sozomen and *Theodoret*, not to innovate Synod.
any thing in that Faith, which *Constantine* Socr. l. 2.
with all accurateness and strictness of ex- c. 28.
amination did publish, *utâ nâons axex-* Theod. l.
betas 2. c. 19.

B. I. C. 4. βίαις καὶ ἐξουσίαις, οὐ συγγεφάρειν ἡσυχίᾳ
 Soz. l. 4. ἐκτεθειμένος, whose memory deserved to be
 c. 17. famous after his death, and who after his
 baptism (to wit, into this faith) was taken
 from among men, and went into
 peace. But Baronius and Binius to avoid

Ubi supra.

this testimony, undertake to correct this
 Epistle, and instead of *Constantine* read
Constans, pretending that it is so read in
Athanasius; to which, because this testi-
 mony is considerable, I shall return two
 things. 1. That it is indeed true, that the
 latine translation of *Athanasius*, hath
Constans, but the Greek in *Athanasius*
 readeth it *Constantine*; and it is very un-
 reasonable, that the original Greek of four
 several Authors, should be corrected, on-
 ly from the different reading of one latine
 translation of much later date, and possi-
 bly altered with design. 2. That the
 words mentioned in that Epistle, cannot
 be applyed to any other Emperour, but
 only to *Constantine the Great*, of whom
 they were discoursing. In his time and
 much under his care, the faith of *Nice* was
 published and promulged, which is oft
 expressed by ἐκτίθεσθαι, and he himself de-
 clared, concerning his care about it at
Nice, τὴν ἀληθείαν ἐξέτασεν ἀντιθέμεν, and
 then ἀνεβόως ἐξέτασαι, which words of his,
 the Synod at *Ariminum* did probably al-
 lude unto.

Socr. Hist.
 Eccl. l. 1.
 c. 6.

6. Now

6. Now against all this great evidence, Sect. 4. they who oppose it; do not produce the authority of any one ancient genuine *Catholick Writer*. But they bring forth such *spurious stuff*, as the acts of *Silvester*, and *Liberius*, which are manifestly *fabulous*: insomuch that *Baronius* acknowledgeth, *An. 315. n. 12, 13, 14; 17.* *is complura veritati manifeste adversantia inesse, perspicuo demonstratur*, with other words of like severe censure. They also urge a pretended *Preface*, to a Council at *Rome* under *Silvester*, which speaketh of *Constantine* being baptized by *Silvester*. But they have not these words, from any Copy of such a Council it self; but from a Writing of an uncertain Author, intituled, *Epilogus brevis, &c.* of which *Binius* confesseth, *hujus Epilogi initium de mendacio suspectum redditur*; *Not. in Conc. Rom. 2. sub Silvest.* that the beginning of this writing is under a suspicion of being false. They also have recourse unto *Zosimus*, a Greek Historian; but from him they produce nothing, of the baptisms of *Constantine*, but he telleth a manifestly false and slanderous story, of the occasion of *Constantines* first resolution of embracing Christianity; and both the acts of *Silvester*, and the words of the *Preface* above-mentiond, do encline to the same thing. But *Zosimus* being a bitter Enemy to Christianity, is declared

L clared

B. 1. C. 4. declared by *Baronius*, when he writes concerning things of the *Christian Religion*, to be an evident depraver of truth, *manifestus proditor veritatis*, & in *Constantinum iniquissimus*, with other expressions of like nature. And the pretence that the *Font* is yet to be seen at *Rome*, in which *Constantine* was baptized, being against such great evidence, deserves no more assent, than the most *fabulous stories*, concerning such *religious reliques*, as do serve only to impose upon the credulous vulgar.

7. But that argument which they seem to be most earnest in, is, that if *Constantine* was baptized at *Nicomedia*, where *Eusebius* a chief Ringleader of the *Arians* was then *Bishop*, this would cast an high aspersion upon that good Emperour, who must, say they, then be concluded to dye in the *Arian*, and not in the *Catholick Communion*. Now it might be sufficient to say, that by this same argument, they might as well prove all the *Nicene Council*, to be *Arians*, as this good Emperour; since they sate, and no doubt received the *Communion* at *Nice*, where *Theognis* was *Bishop*; who was the constant Companion and *Confederate* with *Eusebius*, in managing the *Arian* designs. But I shall further add two things. 1. That it might be possible,

fible, that his baptism was not received from the hands of this Eusebius, Eusebius Pamphilus declaring, that there were divers Bishops at that time called to Nicomedia, and Galasius who was a famous Bishop of Palestine in that Century, declaring, that he was not baptized by an Arian, but by one who embraced the Catholick faith, as his words in Photius, cited by Scaliger, do plainly express. 2. That if it should be admitted, that he was baptized by this Eusebius, as is indeed expressed in the Chronicon of S. Hierome, and in the *Enloun. xebon*, published by Scaliger, with the Chronicon of Eusebius, yet this will by no means charge him with Arianism. For 1. This Eusebius of Nicomedia, had then subscribed the faith of Nice, and though he and Theognis were once deposed by that Council, yet upon their professed submission to the faith thereof, they were again restored and received, as S. Hierome acquaints us: and the form of their submission is extant in Soor. Hist. Eccl. l. 1. c. 10. and Sozom. l. 2. c. 15. And though this submission of his, was, as Theodoret tells us, out of an ill design, this is no way to be imputed to the Emperour. 2. The faith of the Council of Nice was then publicly established, and the Fathers at Ariminum

Sect. 4.
De Vir.
Const. l. 4.
c. 61, 62.

Scalig. in
Euseb.
Chron. p.
251.

Hier. adv.
Lucif.

Theod.
Hist. Eccl.
l. 1. c. 19.

B.1.C.4. above-mentioned, do sufficiently intimate his being *baptized into it*. 3. He then appeared a manifest friend to the Catholic Bishops, who held to the *Council of Nice*, in that at the time of his death at *Niconedia*, he designed to *recall Athanasius* from his banishment, though *Eusebius* of *Nicomedia* perswaded the contrary, as *Theodoret* (with whom *Athanasius* himself agrees) doth acquaint us. 4. *Nicomedia* was not the place he intended for his *Baptism*, but *Jordan*; but his sickness, of which he died, surprizing him here, left him no liberty to choose any other place.

Theod.
ibid. c.32.
Athanas. A-
pol. 2. ex
lit. Const.
filii.

8. I shall now only add, that according to this evidence, all the actions of *Constantine*, expressed in the former Section, were performed before his *baptism*. But if any shall embrace the contrary opinion, which I reject as false and groundless, many of those actions will still be previous thereto. And therefore this *Princes authority* and duty, to take care of things Ecclesiastical, was not the effect of his undertaking *Christianity*, but was contained in the general authority of his *imperial Sovereignty*. Yet I doubt not but this fiction of *Constantines* being *baptized at Rome*, and the other of his *Donation*, are two *Twins*, being both of them the spurious and

and illegitimate off spring, of a luxuriant Sect. 4. fancy, impregnated by a Romancing Incubus. And the large form of his *Donation*, not that in *Balsamon*, but in *Binius*, expresseth the Baptism of *Constantine* by *Silvester*. Bin. Tom. 1. p. 296. But this *Donation* is now justly rejected as a manifest forgery, by their own learnedest Writers, as *Morinus*, and *P. de Marca*; the latter of which supposeth some of the Popes themselves, about the eighth Century, to be accessory to the framing and obtruding this imposture. De Concord. l. 3. c. 12. n. 3, 5.

CHAP. V.

An Account of the sense of the Ancient Christian Church, concerning the authority of Emperours and Princes in matters of Religion.

SECT. I.

Of the general exercise of this Supremacy ; and of its being allowed by the Fathers of the first General Council of Nice.

1. **I**T is acknowledged , that the truths either of *Christian doctrine* , or of *natural reason* , do not principally depend upon the consent of men. It is not to be decided by the *voice* of the World , whether the only *true God* , and he alone , ought to be *worshipped* ; nor did it depend upon the *vote* of the Jewish Priesthood or *Sanhedrim* , whether *Jesus* was the true *Messias* . And upon this account , the *Gentile Deities* were deservedly derided by *Tertullian* , who had no other title thereto , than by the vote of the Senate ; *nisi homini placuerit Deus non erit* .

Tertul.
Ap. cap 5.

2. But

2. But yet none can be expected, to Sect. 1.
give a better and more sure account of
the *doctrines* and *duties* of *Christianity*
than those who have been the *professors*,
and *practisers* of that Religion, in the *pu-
rer times* thereof. And therefore there is
such a just respect and reverence due to
the *primitive* Christian Church, and the
assistance of the *divine grace* which gui-
ded and influenced it, that that which was
generally received therein, hath thereby
a very great and *considerable testimony* of
its being a truth, especially where there
are also other great arguments, and eviden-
ces to evince the same. And in such things,
it may well be allowed, according to Dr. Ham-
mond, among the *pie credibilia*, that *Dr. Ham-
mond of
Aristy. Sect.*
a truly general Council shall not err. And 14.
even those persons who have no due re-
gard, either to *antiquity*, or the autho-
rity of the *Christian guides*, will mani-
fest their great pride, if they will reject
and contradict the general *sense* of the
Church, unless it be upon very clear and
manifest evidence to the contrary. But
such who pretend, as the Romish Church
doth, a reverence and high veneration for
Tradition, are thereby the more concern-
ed, not to disclaim what hath been ordina-
rily and *plainly delivered*, in the ancient
Church.

L 4

3. Now

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B. 1. C. 5. 3. Now to give an account of the sense of the *Particular Fathers* in this place, would be a more long and tedious work than would be needful. And indeed the minds of many of them may sufficiently be discerned, by their *plain expressions* mentioned in several parts of this discourse. Nor will I insist upon those commonly observed, and very *expressive sayings*, concerning Supremacy in general; as that of *Tertullian* (*Imperatores*) in *Dei solius potestate sunt, à quo sunt secundi, post quem primi*; and *majestatem Caesaris Deo soli subjicio*; and that of *Optatus*, *super Imperatorem non esse nisi Deum qui fecit Imperatorem*, which very plainly assert, that the Emperour was under none, but only God himself. But I shall apply myself to such things, as will include the more general, and *publick acknowledgment* of the Christian Church: and shall then answer what may be objected in this particular.

Apol. c.

30. & 33. cont.

Parim. l. 3.

4. The actual exercise of Government in the ancient Christian Realms, is somewhat considerable to this purpose. That the Christian Emperours did exercise authority in matters Ecclesiastical, is manifest from the *Ecclesiastical Constitutions*

of the Roman Emperors, which are yet to be seen in the *Codex* and the *Novelle Justiniani*,
Cod. l. 1. Tit. 1, 2, 3, 4, 5, &c.

stiniani. Wherein among other things, there are laws establishing the Catholick faith, and the doctrine of the *Holy Trinity*, so as not to allow any to contend against it; as also concerning the manner of *Ordinations*, *Excommunications*, and *Absolutions*; and the duty of the *Clergy*, even of *Bishops*, *Archbishops*, and *Patriarchs*. And in these and other particulars, the *Nomocanon* of *Photius* doth designedly shew, how the *Imperial law* doth provide for various Cases, concerning which the *Canons* of the Church also had taken care.

Sect. 1.
Novel. 6.
& 123. &
passim.

Phor. No-
moc. Tit.
1. &c.

5. The Laws of like nature are also yet extant, of the Kings of *France*, and other Realms abroad. And in our own Kingdom the *Ecclesiastical laws* of *Ina*, *Alfred*, *Edgar*, *Canutus*, and *Edward the Confessor*, may be seen in *Sir H. Spelman*. The Laws made and executed by Christian Emperours against *Arians*, *Nestorians*, *Manichees*, and others guilty of *Heresy* or *Schism*, were very many; and the proceedings by the *Imperial law* against the *Donatists* was in divers places defended by *S. Austin*. And that all the godly Emperours of old, even from the beginning of the Emperours professing Christianity, did take such care of the Church; that the affairs thereof, and the matters of Religion,

Kings an-
ciently go-
vern'd in
things Ec-
clesiastical.

Spelm.
Conc. Vol.
1.

Aug. Ep.
50. 162.
164, 166.
De cor-
rect. Do-
natist. &
passim.

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B. 1. C 5. *ligion*, were very much ordered by their
 Socr. Pro. *authority*, is plainly declared by *Socrates*.
 cem. 1. 5. And this is a thing so manifest to all who
 Hist. Eccl. look into the History and Records of
 those Times, that it is as needless to go
 about to prove this, as it would be to
 prove them to have been *Christian Em-*
perours.

6. But that which will give the most
 evident Declaration of the *sense* of the
Christian Church, is the considering how
 this *authority* of *Christian Princes*, hath
 been acknowledgd and complied with by
Councils, and by those especially, which
 were the first general or *Oecumenical*
Councils. For whilest the opinion of some
particular fathers, may possibly be thought
 not sufficient, to give a satisfactory account
 of the *general sense* of the *Christian*
Church in those days; and whereas the
 proof produced from the *Imperial laws*,
 and the constant *exercise* of the *Emperors*
authority in affairs of *Religion*, may pos-
 sibly fall under a suspicion of undue *en-*
croachment, or may be pretended by some,
 to be executed by an authority dependent
 upon, and derived from some *Ecclesiasti-*
cal Officers, no such exceptions can lie
 against the *concurrent testimony*, and ac-
 knowledgment of the chief *general Coun-*
cils, in the flourishing times of *Christia-*
nity.

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nity. And I suppose that no man will Sect. 1.
deny, that the assembling of Occumeni-
cal Councils, and the matters therein trans-
acted, were properly things Ecclesiasti-
cal.

7. And here I shall begin with the first *This Supre-
macy own-
ed by the
Council
of Nice.*
Council of Nice, concerning which I shall
need to say the less, because many things
mentioned in the third Section of the fore-
going Chapter, do sufficiently manifest the
Supremacy, exercised by *Constantine*, the
first Christian Emperour, in whose Reign
that Council sate. That this general Coun-
cil was called by the Command of *Con-
stantine* the Emperour is expressly declar-
ed by *Eusebius*, with whom *Socrates*, *Euseb. de
Vir. Const.
l. 3. c. 6.*
Theodoret, and other ancient Historians do
agree. But the later *Romish Writers* would
perswade the World, that it was assembled
by the authority of the *Romish Bishop*. So
Binius, *Auctoritate Silvestri Romani* *Bin. in
Not. in
Conc. Ni-
cen. Not a.*
Pontificis, &c. By the authority of *Silve-
ster Bishop of Rome*, this holy Synod was
summoned, and was gathered together by
the consent, help, and Council of *Constan-
tine the Emperour*. And *Baronius* like- *Baron. an.
325. n. 13.*
wise declares, that no man may doubt, but
that the authority of *Silvester* was in this
case *interposed*. But in truth they produce
nothing, that can justly be accounted any
evidence hereof.

8. But

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B. 1. C. 5. 8. But that it may appear past all doubt, by whose *authority* this Council was *convened*, we have a twofold *testimony* beyond all exception. *Constantine* himself, who was able to give an account of his own actions, in his *Epistle* to the Church of *Alexandria*, which is extant in *Socrates*, declares that it was he who called this Council. And the *Synodical Epistle*, which was written by the Council of *Nice* to *Alexandria*, which may be seen in *Socrates* and *Theodoret*, doth attest the same; and therein the *Fathers of Nice* themselves, who could not but know who summoned that Council, declare that it was gathered together, by the grace of God, and by the Religious *Emperour Constantine*, *συναγαγόντος* *ἡμῶν*, who called us together out of divers Provinces and Cities.

Socr. Hist.
l. 1. c. 6.

Ibid.

Theod.
Hist. l. 1.
c. 9.

Euseb. ubi
sup. c. 6, 7.

9. That the most *eminent Bishops*, from the several quarters of the Empire, did with much readiness repair to this Council, according to the *Emperor's command*, is particularly attested by *Eusebius*, and other Historians. Yet it is not to be doubted, that if they had received *summons* and *command* from a person, whom they knew to be inferior and not superior to them, as a *Presbyter* or *Deacon*, they would never have yielded general obedience to him, but would have rebuked and repressed his insolence;

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insolence; and therefore this their obedience Sect. 1.
to the Emperour, was an acknowledgment
of his authority and Supremacy. And
this is the more remarkable, because these
Nicene Bishops were persons of the highest
worth and esteem, of any in the Christian
Church, which appears from the general
fame, and deserved honour, which this
Council hath obtained, in all succeeding
ages unto this day.

10. And the chief occasion of calling
this Council, was by reason of the evil opi-
nions of *Arius*, and the difference about
the day for observing *Easter*; which things
the Emperour considering, thought this
the only effectual way for the redressing
them, and thereupon directed this Coun-
cil, particularly to consult about them,
which was accordingly done. And whilest
this Council was sitting, the Emperour
who was present with them, used very
great care and diligence, for the suppressing
unnecessary occasions of discord and quar-
rel, and for the promoting the desired con-
cord thereof.

Socr. Hist.
l. 1. c. 6.
gr.

Euf. de
Vit. Const.
l. 3. cap.
12, 13.

11. And when this Council was ended,
Constantine enjoined the observation of
what was established thereby, to take
place in all, even in the most remote Pro-
vinces of his Empire. He also gave his
Imperial Sanction, to the Decrees of this
Council,

Euf. ib.
c. 18.

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B. I. C. 5. Council, confirming them by his Imperial
 Euf. ibid. Seal, which Eusebius expresseth, *καὶ τὸ
 σφραγίσαντος δὲ τοῦ βασιλέως ἐπὶ τῆς πίστεως*. And
 c. 22. both the *Nicene Creed* and its *Canons* are
 confirmed in the Civil Law, in the *Codex*
 and *Authentica*.

SECT. II

This Supremacy owned in the second General Council at Constantinople, and the third at Ephesus.

1. That the second general Council at
Constantinople, was summoned by the Em-
 perour (viz. *Theodosius*) is declared, both
 by *Socrates* and *Sozomen*. But *Baronius*,
 though he had a little before cited the ex-
 press testimony of *Socrates*, against his as-
 sertion, would have us believe, that it was
 called by the authority of *Damasus*, and
 produceth some small appearances of argu-
 ment for the proof thereof; and tells us,
 there is an ancient *Manuscript* in the *Va-*
 tican, and some other Libraries, which de-
 clareth so much. And *Binius* making use
 of the same Plea, is so earnest and fierce,
 that he saith, *Nemo nisi pertinax heretici-*
cus, asseveret hoc Concilium ab Imp. in-
dictum fuisse; Let no man unless he be
 an obstinate Heretick, assert that this
 Council

Socr. l. 3.

c. 8.

Soz. l. 7.

c. 7.

The Council
 of Con-
 stantino-
 ple.

Bar. an.

381. n. 19.

20.

Bin. Not.

in Conc

Const. not.

f.

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Council was summoned by the Empe. Sect. 2.
rom.

2. Yet all this is a plain instance, where-
by we may clearly see, how little credit is
to be given to the specious pretence of
Vatican Manuscripts, or to the confi-
dent assertions of such Writers, or their
little forced Arguments. For there is only
one *Epistle* of this General Council, pro-
duced both by *Binius* and *Baronius* in
Latine; and in this *Epistle* themselves de-
clare again and again, unto *Theodosius* the
Emperour, that they were convened by
his authority. They tell him in one of
their expressions, *Mandato tue pietatis*
Constantinopoli convenimus; and in ano-
ther, *Literis quibus nos convocasti, Ec-*
clesiam honore profectus es. So that they
assembled by the Letters and Mandate of
the Emperour, which they accounted an
honour to the Church, who were no ob-
stinate Hereticks.

Epist. Sy-
nod. ad
Theod. in
Bin & Bar.
an. 381. n.
37.

3. And indeed though the calling of
General Councils, be now with some ea-
gerness claimed, by many of the Romish
Writers, as a prerogative of the Pope; yet
the late Archbishop of Paris hath acknow-
ledged, that the first who pretended any
right hereunto, was Pope Nicholas about
the year 865. And he hath sufficiently evi-
denced, as others also have done, that
those

De Con-
cord. l. 6.
c. 28. n. 12.

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B. 1. C. 5. those *Decretal Epistles*, which are said to be
 Ibid. l. 3. of a more early date and express any such
 c. 5. authority to be in the *Pope*, are certainly
spurious and supposititious.

4. And in this *second Council*, it is manifest, that during part of their Session, the
 Theod. Emperour *Theodosius* was present in the
 Hist. Eccl. l. 5. Council, as is affirmed in a Synodical Epistle, from *Constantinople* to *Damasus*, written by many of the same Fathers, at another
 c. 9. Council, the year following, which is to be seen in *Theodoret*. And the choice of the
 Bishop of *Constantinople*, which was part of the business that Council was to undertake, was there determined by the Emperour
 Sozom. himself, who requiring the Bishops present,
 Hist. Eccl. l. 7. c. 8. to give him a *Catalogue* of such persons, as they thought fit to nominate, he reserved to himself the *election* of one out of this number, and fixed upon the name of *Nectarius*, who was the last in that Catalogue, who thereupon was made *Bishop* of *Constantinople*.

5. When this Council was ending, in
 Ep. Synodal. ubi supra. their *Synodal Epistle* to the Emperour, they give him an account of what they have done, sent him a Copy thereof, and pray him that by his Letters, he would confirm the *Decrees* of that Council, and that by his commands they may be of force;
ratum esse jubeas, confirmesque concilii decretum:

decretum: and that he would strengthen Sect. 2.
the things which they had decreed and
concluded, by his *sentence* and *seal*. And Socr. l. 5.
after this in *confirmation* of the determina- c. 8.
tions of this Council, the Emperour added Sozom. l.
his *suffrage* and *consent* to what they had 7. c. 9.
done, ο βασιλεὺς ἐνεψυχισατο. And he also
established a law, that all the Christian Churches
should be committed to them only,
who confess the same divine nature, of the
Father, the *Son*, and the *Holy Ghost*.

6. That the third General Council of *The Council*
Ephesus, was summoned by the authority of *Ephesus*.
of the Emperour, *Theodosius* the younger,
is attested by *Socrates*, and *Evagrius*. Socr. l. 7.
And though they who espouse the inter- c. 33.
est of the *Romish Bishop*, do here like- Evagr. l. 11.
wise plead for its being convened by his c. 3.
authority; there are so many *Synodical*
Epistles of this Council, taken notice of
both by *Binius* and *Baronius*, wherein
they assert themselves to be assembled by
the *command* of the Emperour, that he that
hath either *honesty* or a *face*, may well be
ashamed to assert the contrary. And in-
deed touching the *calling* this Council,
and the exercising of the *Imperial Supre-*
macy concerning it, I shall not need to take
notice of any thing further, than what is
related, and asserted for truth by *Baronius*
and *Binius*.

M

7. They

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B. 1. C. 5. 7. They write themselves to be met together by the Emperour's Authority, in their *Epistle to the Clergy of Constantina-*
 Aft. Conc. *ple*, and in their *Encyclick Epistle*, and in
 Eph. Tom. *their Epistle to the Emperour*. And in
 4. C. 17. *their Epistle to Cælestine then Bishop of*
 Edit. Pelt. *Rome*, they tell him (not that they were convened by his authority, but) that they were met together, according to the will of our Saviour, and the Sanction of the most pious Emperours (*viz. Theodosius the Second, and Valentinian*) at the day of Pentecost. And they go on to tell him that this was the day, which the Decree of the Emperour, by which they were called together, did fix for their first Session, with several other expressions to the same sense. And Cælestine himself, in an Epistle to Theodosius, which Baronius hath published, telleth the Emperour, that he did afford his presence by those Deputies he sent, *huic Synodo quam esse iussistis, to this Synod which you have commanded to be held.*

Baron. an.
 431. n.
 16.

8. And the Emperour first sent Caudianus a Count, and afterward others, to be present in this Synod, not that he should give any vote in matters of faith, but to take care of the peaceable and orderly proceeding of the Synod. And also to provide, that no other business should be propounded,

Baron. ib.
 n. 45, 46.

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pounded, till those things chiefly designed Sect. 2:
were determined. And also that he should
not suffer any persons of that Council, who
were summoned thither by the Emperour,
to depart thence, till the Council had fi-
nished what was before them: all which
things are manifest, from the letter of the
Emperour himself to this purpose, directed
to the Council it self.

9. And when Candidianus did misre-
present the actings and proceedings of the
Synod unto the Emperour; thereupon not
only Nestorius who was deposed by this
Council; but even Cyrillus also who was
Patriarch of Alexandria, and president
of this Oecumenical Council, and Memnon
Bishop of Ephesus, and a man of Princi-
pal note and reputation in that Council,
were by the Emperours authority, through
mis-information, committed to prison. The
Emperour also declared against their ma-
nagement of what was before them, and
tells them with sharpness, *Our Majesty can-*
not esteeme such things as valid and lawfull,
yea it doth Decree, that all such things
which in a disorderly manner have hitherto
been acted, shall be accounted as void and
altogether null.

Ibid. ff.
128, 129:

Conc. Eph.
Tom. 3. c.
17.

10. In this case the Council did not ex-
claim, or contend against the Emperours
authority, as having nothing to do over

M 2

Bishops,

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B.I. C. 5. *Bishops, or members of a general Council, Conc Eph. or their proceedings therein; but they Tom. 4. c. apply themselves to the Emperour, to en- 10. treat him to take a true and just account Baron. an. of what they had acted. And according 431. n. to the Emperours command, they send 147. &c. delegates or Deputies to Constantinople, to acquaint him with the true state of things; and thereby they gave him full satisfaction. And after they had finished their decisions, they make their application to the Emperour, that he would undertake to confirm them, and give his consent unto them, ut vim suam integre obtineant, that they might be of full force.*

Conc. Eph.
Tom. 4. c.
8. & 14.

SECT. III.

Of the same being acknowledged in the Council of Chalcedon, and some others.

The Council
of Chalce-
don.

Leo. Ep. 9.

The fourth General Council was called, upon occasion of the spreading of the Heresy of *Eutyches*. When this Heresy began to be propagated, *Leo* then Bishop of *Rome*, addressed himself to *Theodosius* the second then Emperour, by way of Supplication, that he would command a general Council to be called in *Italy*. But the Emperour

Emperour fixed upon Ephesus for the Sect. 3.
place of a general Council, and expected
the presence of Leo there; and the Imperial Edit, whereby he summoned this
Ephesine Council, is extant. But Leo in
two Epistles to Theodosius, and one to
Pulcheria the Empress, excuseth his personal absence, partly from the shortness of
the time of his notice, and chiefly from
the necessity of his not being so far from
his own Church, in a time of such publick
danger (from the Huns). And he declar-
eth, that he had sent those Deputies,
who should supply his presence there;
which he tells the Emperour he did, as an
expression of obedience to his command;
ut Clementia vestra statuti aliquatenus
pareatur.

Baron. an.
449. n. 23.
Præamb.
Epist. in
Synod.
Chalc.
Leo. Epist.
12, 13, 17.

2. But when this Ephesine Council was
packed; by the interest of the faction of
Dioscorus, and managed in favour of E-
utyches, and their decisions were contrary
to the truth of the Christian doctrine;
Leo both singly, and with a Roman Sy-
nod, writeth to Theodosius, that he would
command all things to be in the same state
they were in before this decision, until a
more general Council could be called. And
he desireth by way of Petition to the Em-
perour, that that Council might be called
in Italy; and reneweth this his supplica-

Leon. E-
pist. 24,
25.
Epist. 23.
& 33.

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B.A.C. 3. tion, both directly to the Emperour *Theodosius*, and by the *Clergy of Constantinople*, to whom he writeth, that they would use their interest with the Emperour to this purpose.

Leon. Ep.
49, & 50.

3. But *Theodosius* dying in the mean time, and *Marcianus* succeeding in the Eastern part of the Empire, *Leo* still continued his desire, that the place for a general Council might be appointed in *Italy*, but that it might be at present deferred, because of the great calamities, which some parts of the Empire sustained, by the incursions of the *Hunns*. But the Emperour would not admit of any longer delay, and thought fit to fix upon a place remote from *Italy*, for the Council to meet, by his Imperial Summons: or as *Victor*, the African Bishop, expresseth it, *imperiali autoritate denunciavit*. And *Leo*, so soon as the Emperours pleasure herein was signified to him, appointed his *Legates*, to supply his presence in that Council.

Victor
Tunyn. in
Chron.

Evagr.
Hist. Eccl.
l. 2. c. 2.

Præamb.
Epist. in
Syn. Chalc.

4. And this fourth *Oecumenical Council of Chalcedon*, was first appointed to meet at *Nice*, as is observed by *Evagrius*, and the same thing is expressly contained in the *Edict*, by which the Emperour did convene them, which is yet extant, wherein also *Marcianus* declares his resolution, of being present with them at *Nice*, at the time

time appointed for their assembling. But when the troubles of the Empire hindred the Emperour from removing so far from Constantinople, the Bishops who were convened at Nice at the time appointed, waited several days for the Emperours coming, and after Letters dispatched unto him, the seat of this Council was by his Order removed to Chalcedon, a City nearer to Constantinople, where Marciannus was present with them And he wrote two several Letters to them, requiring them to make this removal, which they accordingly obeyed.

Sect. 3.

Baron.

451. 9.

Bar. ibld.

n. 31.

V. Przamb. Epist. ubi sup.

5. And that this Council of Chalcedon did assemble and sit by vertue of this Imperial summons and authority, is declared by themselves divers times, in almost every action of that Council. And in the time of its Session, the Imperial Supremacy was so much acknowledged, that there were ordinarily present in the Council, some eminent persons of secular authority, who were to have an inspection into, and to take care about the orderly proceedings thereof, not intermeddling to vote in matters of faith. These are oft mentioned in the several actions of that Council, by the honourable title of *Gloriosissimi Judices*, and *amplissimus Senatus*, and their names and offices in the Empire are

Conc. Chalced. Action. 1. &c.

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B. 1. C. 5. expressed in the beginning of that Council. And they sometimes *proposed questions* to be discussed, or a *method* for their proceedings, and sometimes declared their *sense* of things. But this I suppose was only done here (as the like also in the *third General Council*) to provide a *remedy* against the inconveniencies which might happen from the *Bishops* of the adverse parties, being prone without cause to *complain* of the proceedings of the *Catholic Bishops*; and to design *crossness* and opposition against them: and unless such an extraordinary case may plead for it, this inspection of such *secular persons*, cannot be regular or expedient.

Evagr. l. 2.
c. 18.

Leon. Ep.
59.

Evagr. l. 2.
c. 4.
Ibid. c. 18.

Conc.
Chalc.
Action. 3.

6. In this Council those of the party of *Dioscorus* and *Eutyches*, whom this Council rejected, were censured with the *approbation* of the Emperour. And *Leo* in an Epistle to *Marcianus*, after the end of this Council, acknowledged, that it was he chiefly who effected the *extirpation of heresy* thereby, *vestro precipue opere est effectum*, &c. The restoring them who were censured by *Dioscorus* and his party was also done with the *Emperours consent*. And at the Emperours desire were the *Canons* of that Council made, ἀπὸ περὶ ἁγίων τῶ βασι-
λέως ἐπιθυσαν κανόνες.

7. And after this Council was ended, both

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both *Valentinian* and *Marcian* jointly, and again *Marcian* singly, publish their *Imperial Ediſt*, for the *establiſhing* the *faith* and *doctrin*, which was declared in this Council, and ſignifying to all their ſubjects, that whoſoever ſhall *oppose* this their *decree*, ſhall not remain in any *Ecclesiastical preferment*; and if he be of the *Militia* he ſhall be *caſhiered*, with other penalties for other perſons.

Sect. 3.
Sacra Mar-
cian. in
fin. Conc.
Chalc.

8. And whereas after the death of *Marcianus* the *Eutychian* party favoured by *Anatolius* of *Constantinople*, deſired to make new ſtirs, and projected in their thoughts, to have a new Council called, that theſe matters might be again canvassed and debated; *Leo* ſtill Biſhop of *Rome*, makes his *ſupplication* to the Emperour *Leo*, entreating him not to ſuffer any new *diſquiſition* of that truth, concerning the *humanity* of our *Saviour*, which had been ſo fully *determined* in the Council of *Chalcedon*.

Leon. Ep.
73, 74, 75.

9. Some of theſe matters relating to this Council I have the more particularly mentioned, becauſe they not only ſhew the *ſupreme authority* of the Emperour, about matters *Ecclesiastical*, to have been owned and complied with by a *general Council*; but even by that Council, whoſe *number* of *Biſhops* did almoſt equal the number
of

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R. I. C. 3. of all the three former general Councils joined together. And also because this doth shew the same to have been sufficiently *acknowledged*, by the then *Romish Bishop*, even by *Leo*, who was a man of great *courage*, boldness and activeness, and far enough from being charged with any *pusillanimity*, and lowness of spirit.

10. And besides other things, there is observable from this short account, concerning these *Councils*, **1.** That all the *Fathers* of these several *General Councils*, acknowledged the *authority* of the *Emperours* to take care of the *Church* and *Religion*, and to *command Bishops* with respect thereto; in that they readily obeyed their *commands*, in meeting together at the time and place appointed by the *Imperial authority*, to consider of matters of *Faith* and *Religion*. **2.** That they acknowledged that these *Councils* when met, were in the first and chief place to *discuss* those matters of faith or order, for which they were summoned by the *Emperour*, appeareth from them all. And that at the time of their *assembling*, they shewed so great respect to the *Emperour*, that in expectation of his presence, they deferred the *opening the Council*, till they heard from him; and in *obedience* to his pleasure, and by his authority, the *Seat* of the

What power the four first general Councils gave to Princes in Ecclesiastical cases.

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the General Council was removed from one Sect. 3. place to another, is particularly evident in the fourth Council.

11. Thirdly, That they thought themselves obliged, when they should be required so to do, to give an account of the manner of their proceedings, in these general Councils, unto the Emperour. And that though they were in Council, and about matters Ecclesiastical, they were still subject to the Emperours laws, and his coercive authority, as is manifest from the third General Council. 4. That they thought matters Ecclesiastical and the decisions of the Church, a fit subject to receive the civil Sanction, and establishment of the secular power. And that they esteemed such a Sanction to be of great moment, to add weight to their Constitutions, doth appear from them all; and particularly from the second and third general Councils.

12. I omit all large discourse of other Councils, which might easily be performed, and many things also in these Councils, which might be worthy observation. But whosoever will read the *anathematizations* of the sixth General Council, to the Emperour Justinian, and their first Canon, will discern them to have the same reverence for their Prince, which these former Councils

Conc.
Trull. can.
1.

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B. I. C. 5.
Conc. Mo-
gunt. an
813. in
præf. ad
Imp.

Conc E-
mer. in
Præfat.
In fin.
Cone.

Councils had. And amongst Provincial Councils, that of *Mentz* did acknowledge *Charles the Great*, to be *veræ Religionis Rector*, and *Defensor Sanctæ Dei Ecclesiæ*, and *Sanctæ Ecclesiæ Rector*. And the Council of *Merida* in *Spain*, not only allowed *Recessu inthus* their King, *Ecclesiastica dispo- nere*, to order matters Ecclesiastical, but also that he did, *sapientia divinitus concessa regere Ecclesiastica*, govern matters Ecclesiastical.

SECT. IV.

Some Objections concerning the Case of *Arius*, and *Arianism*, considered.

I. There are some things which have the appearance of arguments, to prove that the ancient Christian Bishops did not own the Supremacy of Princes, in matters Ecclesiastical. And the reflecting upon these may be of good use, to give us a right understanding of that Supremacy, which hath been acknowledged in the Christian Church. To which purpose, I shall here consider two Objections concerning the *Arian* controversies.

The Case of
Arius.

2. Obj. 1. When *Constantine* the Emperour, upon the Oath and subscription of *Arius*, to the Faith asserted in the Council

cil

cil of *Nice*, did again and again give his commands to *Athanasius*, with Menaces annexed, that he should receive *Arius* again unto the Church of *Alexandria*; *Athanasius* refused to do this, notwithstanding these *Precepts* of the Emperour. And the Catholick Bishops justified him, and refused communion with them who took part with *Arius*, which seemeth to disown the supreme Government of the Emperour, in Cases Ecclesiastical.

Sect. 4.
Socr. Hist.
l. 1. c. 26,
27. gr. A-
thanas. in
Apol. Sec.

3. *Ans.* First, That the sentence of *Excommunication* and *Absolution* being a proper exercise of the power of the *Keys*, the Ecclesiastical Officers are the immediate and peculiar Judges in these Cases. And if any person shall assert, that they are always obliged in these things, to do whatsoever the Emperour should give them in command, though he himself should be imposed upon by the slight of others, or otherwise be mistaken; this would tend to disown the subject of this enquiry, concerning the Emperours power, or to deny that there are such Causes or matters Ecclesiastical, that the Rules of Religion and Christianity ought to be the guide and measure of them.

The exercise
of the Keys
is not to be
guided by
the pleasure
of a Prince
as its rule.

4. Secondly, The Case of *Arius* had been largely heard and adjudged, by the highest Ecclesiastical audience of a Gene-

ral

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B. 1. C. 5. *ral Council*, by the Emperours command, where he was *anathematized*, and condemned of *Heresy*, and notwithstanding some appearance of repentance, as *S. Hierome* declares, was sentenced no more to come to *Alexandria*; that is, as *Baronius* rightly explaineth it, not to be received in his former place in that Church. Now it was not in the power of any single Bishop whomsoever, to reverse the judgment, or indeed to take a new cognisance of what had been thereby determined. And to acknowledge the Emperour to have a power of immediate judging, and determining concerning the censures of the Church, especially if against the Sentence of a General Council, cannot be consistent with the Ecclesiastical authority, and the power of the Keys, committed to the Ecclesiastical Officers, and in the most eminent and highest manner resident in Oecumenical Councils. And therefore *Athanasius* could not obey that command of the Emperour, procured by the subtilty of *Eusebius* of *Nicomedia* and his party, without an exorbitant usurping and invading an authority, which was superiour to him, and undermining the unity of the Catholic Church, as is observed by *Mr Thorndike* in justification of *Athanasius*.

Hieron.
adv. Luci-
fer.
Baron. an.
327. n. 3.

Weights
and mea-
sures, ch. 6.

5. And

5. And a Case much of like nature with Sect. 4. this, was considered in the third general Council of Ephesus, who rejected them from their Communion, who in a separate Conventicle from the General Council, undertook to censure Cyril of Alexandria, who presided in that Council, and Memnon of Ephesus, and were also fautors of Nestorius. Concerning these Bishops, that Council gave this instruction to their delegates, whom they sent to the Emperour; that if he should insist upon these persons being restored to their Communion, they declare that so much as can be, is to be done, to express obedience to the Emperour; *Sanctiōni Augusti pro viribus obediendum est*; and that if these persons shall join with the Council in rejecting the Heresy of Nestorius, and deposing him; and submitting themselves, shall heartily embrace Unity with them, they may be admitted again to their Communion. But if these delegate Bishops in this Case, should admit them upon any other terms than these, which the Council it self upon considering and debating the Case, had determined, they are there told, that they themselves would incur the censure of the Council.

Act. Conc.
Eph. Tom.
4. c. 19.

6. Obj. 2. Athanasius in the time of Constantius, S. Basil of Valens, and S. Ambrose

Arianisme
and all
false do-
ctrine to be
rejected,
though fa-
voured by
Princes.

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B.1.C.5. *Ambrose of Valentinian the younger, and divers Catholick Bishops under the Arian Emperours, put in their exceptions against the Emperours judging in matters of Faith, as not being a competent Judge in that Case; nor would they be therein determined by him. And when Constantius had banished many Catholick Bishops, for withstanding Arianisme, and used severe punishments towards others, and threatned Hosius Bishop of Corduba who drew up the form of the Nicene Creed, he in an Epistle to Constantius, adviseth him, μή τις σεαυτὸν εἰς τὰ ἐκκλησιαστικά, do not put thy self upon things Ecclesiastical, nor do thou give commands to us concerning such things, but rather learn these things from us; God hath put into thy hand the Kingdom, he hath committed unto us the things of the Church. And when S. Ambrose was commanded in the Emperours name, to yield up the possession of his Church to be delivered to the Arians, he refused so to do, in a matter of Gods right, declaring ea quæ divina sunt, Imperatoris potestati non esse subiecta; that those things which are Gods, are not in subjection to the Emperour.*

Athanas.
ad solitar.
vit. agen-
tes.

Ambr. Ep.
33. ad
Marcelli-
nam.

7. *Ans.* First, Since the *Christian profession* is a taking up the *Cross*, all those who embrace it, must undertake to hold
fast

fast the truth of the *Christian Faith*, Sect. 4. though this should be against the command and will of any Prince or Ruler whosoever, and must be followers of him, who before *Pontius Pilate* witnessed a good confession. This was the practice of the *Apostles*, of *S. Polycarp* and divers *Christian Martyrs*, to profess the *Christian doctrine*, when they were commanded to disown or *abjure* it, And as they must hold fast *Christianity*, notwithstanding the *Prohibitions* or threats of *Diocletian* or *Julian*, so must they keep close to the *Catholick doctrine*, notwithstanding the command of any *Arian Emperour* to the contrary. And it is no more a *derogation* from the *Royal Authority*, to say that it hath no right to command, against truth or duty in Religion; than to declare that it hath no right to command, against honesty or chastity in the Common-wealth. The Princes *Supremacy* in these matters is under God and Christ, to establish what is according to the Rules of our Religion, and the good of Mankind, but can have no authority to oppose or undermine the doctrines of our Saviour.

8. Secondly, That as this Case hath respect to the truth of the *Christian doctrine*, it is certain, that not the *Emperour*, but these *Catholick Bishops* themselves, were

Martyr.
Polycarp.
Tertul. Ac
pol. c. 27.

The decia-
ding que-
stions of
faith and
guiding in
it, more
proper to
Bishops
than Kings.

N

the

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B. I. C 5. the most proper and fit Judges in this matter of faith; especially having the evidence of *Scripture*, the consent of the ancient *Apostolical men*, and the confirmation of the Synod of *Nice*. The deciding and determining matters of *faith*, peculiarly and chiefly belongeth to the *Pastors* of the Church, and is a matter for their judgment, cognisance and discussion. By them, as *Hosius* said above, even *Princes* are to be taught, and should receive the doctrines of Religion. But the Christian Bishops are not to receive any thing, as a doctrine of Christianity, from the Command of any *Prince* in the World; but herein they and all other Christians, must be guided only by what was delivered by *Christ*, and his *Apostles*; for the knowledge of which, the consent of the *Catholick Church*, doth in many things give very great Light.

In Athanasius ubi sup.

9. How much honour and respect in this particular, the ancient *Emperours* did give to the office and judgment of the *Bishops of the Church*, we may understand from *Theodosius* the Second. When he sent a secular person to be present by his authority at the *Ephesine Council*, he particularly declared, that for him to have any thing to do, in their *Synodical decisions* of the questions of faith, would be a nefarious

A. A. Conc.
Eph. Tom.
L. C. 32.

nefarious thing. And it is truly observed Sect. 4.
 by Baronius, that Constantine and other Baron. an.
 Christian Emperours, who were them- 325. n. 73.
 selves present in Ancient Councils, did not
 interpose in giving votes or suffrages, in
 decisions of Faith, or inflicting of cen-
 sures, as concurring to the spiritual ef-
 fect; but only did consent to, and ratify
 these determinations of the Councils, by
 their secular authority. And these things,
 which are under the proper and peculiar
 administration and cognisance of Eccle-
 siastical Officers, are sometimes in a re-
 strained sense stiled Ecclesiastical things,
 which as such, all secular powers are pro-
 hibited to intermeddle with. And in this
 sense, with particular respect to matters
 of Faith, as falling under Ecclesiastical de-
 cision, not only Hosius above, disallowed
 Constantinus his undertaking things Eccle-
 siastical, who yet himself obeyed the sum-
 mons of Constantine to appear in the
 Council of Nice, and some others; and
 was employed by him in many things rela-
 ting to the Church: But also Theodosius
 above-mentioned, declares it unlawful for
 any but Bishops, *negotia Ecclesiastica se-
 se immiscere*; to intermeddle in Ecclesi-
 astical business. But that the Phrase of
 things Ecclesiastical, is there understood
 only in the restrained sense now mention-
 ed,

Conc. Eph.
 Tom. i. c.
 32.

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B. 1. C. 5. ed, is manifest; because in that very *re-script* of *Theodosius* to the *Ephesine Council*, he committeth this *authority* to the Count he sent thither, to take care of the orderly and peaceable *proceedings* of the *Council*, and to hinder any person whomsoever from *departing* from the *Synod*, or any other *Ecclesiastical cause* from being *discussed*, till those for which they were called were *determined*. And in the same *Epistle* also, the *Emperour* declares, that as he had a care concerning the *Commonwealth*, so his chief care was concerning such things, as pertained to *Piety and Religion*. So that the *Princes* power and *authority* about things *Ecclesiastical*, as that *Phrase* is taken in a large sense, for things relating to the *Church and Religion*; was not in that *re-script* denied.

V. Ambr.
in Auxent.
& ad Mar-
cellin.
Theod.
Hist. Eccl.
l. 5. c. 13.

10. And touching the *Case of Ambrose*, It had certainly been a thing unaccountable, and unwarrantable for him, by any *act of his own*, to have *delivered up* the possession of his *Church*. Since this had enclosed (what *Theodoret* saith he thought himself obliged to refuse) his own *consent*, to give up his people to the *conduct* of the *Arians*. And indeed the *interest* of *God*, and his *Church* and his *truth*, were *superiour* to the will and command of the *Emperour*, or any man upon *Earth*; and
it

it was fit that S. Ambrose should acquaint Sect. 5. the Emperour with this, which he ought to take notice of. But if the Emperour should not *observe his duty* to God, S. Ambrose must not *neglect his*, still behaving himself to his Prince as becomes a good Subject. But when any *Catholick Bishops*, by the Edict of *Arian Emperours*, were commanded into *banishment*, they not only *obeyed*, of which there are numerous examples; but thought it a *Christian duty* to *submit* themselves, with a patient and peaceable temper of mind, which was very remarkable in the carriage of *Eusebius Samosatensis*, under *Valens* the Emperour, which was much commended by *Theodore*.

Theod.
Hist. Eccl.
l. 4. c. 13.

SECT. V.

Other objections from the Fathers, concerning the eminency of Ecclesiastical Officers and their authority.

It is further objected, that divers ancient *Catholick Writers*, even before the *aspiring height* of the Romish Bishop, have used such expressions, as speak their *preferring* the authority of the *Ecclesiastical power* to the *secular*, and their esteeming it to be the more *eminent*. To this purpose

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B. I. C. 5. pose some passages are produced by *Baronius*, from *Ignatius*, *Sulpitius*, in the life of *S. Martin*, *Gr. Nazianzene*, *S. Ambrose*, and *S. Chrysostome*.

V. Ign. Ep.
ad Smyrn.

Usser. dif.
fert. de
Ign. c. 6.

2. What is cited as from *Ignatius*, directeth first to honour *God*, and then the *Bishop*, and after him *μετα τούτων* (as the common Greek Copies read it) *the King*. But it is sufficient to observe, that all this is only an addition of the *Interpolator* of *Ignatius*, and is not any part of his genuine Epistles; as is evident from the *Latine Edition* of *Bishop Usher*, and the *Greek* of *Vossius*; neither of which have any thing of this nature in them. And yet though this addition might be made, as *Bishop Usher* conjectureth about the sixth Century, it was designed to suit the age of *Ignatius*; and that which the foregoing words intimate, to be the intended sense, may well be allowed: That Christians were bound, to have an higher regard to the directions and instructions of *Christianity*, and the conduct of their Bishops and spiritual guides in the Christian Religion, than to the commands even of Kings or Emperours, who were opposers of that holy Religion, and Enemies to the truth.

3. But from *Sulpitius* in the life of *S. Martin* he urgeth, that *S. Martin* being enter-

entertained at the table of *Maximus* the Sect. 5.
Emperour, one of the Kings attendants Of S. Mar-
 tin and
 Maximus.
 Sulp. in
 vit. Marti-
 ni. c. 23.
 brought him a Cup, which the King com-
 mands him to give to the Bishop (*S. Mar-
 tin* then Bishop of *Turenne*) desiring that
 he might receive the Cup from his hands.
 But *S. Martin* when he had drunk, gives
 the Cup to his *Presbyter*, who was with
 him; thinking that neither the King, nor
 any other who were with him, ought to
 be preferred before him. And *Baronius*
 declareth he would have done the same,
 had he been only a *Deacon*, whom he had
 with him.

4. But this story as it is here related,
 shews much of the Spirit of *Baronius* to-
 wards Kings, who would not it seems al-
 low them, being of the laity, to have
 so much honour and respect shewed unto
 them, as must be given to a *Deacon*. And
 if the spirit of *S. Martin* was such, as the
 Cardinal in this particular doth represent
 it, it would need an apology, if the Case
 would bear it, or indeed it would rather
 deserve a censure.

5. But the truth is, this *Maximus* was
 a Rebel, and an Usurper, who had then
 wickedly murdered *Gratian* the Empe-
 rour, and invaded the Territories of *Va-
 lentinian*; and for this cause *S. Martin*
 though often requested, for a long time

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B. I. C. 5 refused to come to his Table, and avoided all converse with him, more than any other Bishop in those parts did, and did also foretel the ruine of *Maximus*, as *Sulpitius* Baron. ar. relateth, and *Baronius* elsewhere taketh notice of. And *Marcellinus* in his Chronicon, and also *Socrates*, *Theodoret* and *Sozomen* in their Histories, divers times when they speak of him, give him the stile of *Maximus the Tyrant*. And *Symmachus* a Roman Senator, was found guilty of Treason by *Theodosius*, for publishing an Oration, as an *Encomium* or Panegyrick upon *Maximus*.

Ambr. Ep. 27. 6. When S. *Ambrose* was sent as an Ambassador from *Valentinian* to *Maximus*, he not only refused the Salutation of a kiss from him, but withdrew himself from those Bishops, who communicated with him. Yea *Baronius* himself mentions his Government as being a tyranny; and *Rabanus Maurus* taketh special notice of this *Maximus*, as being a person, who did not escape the divine judgment, when he had insolently exalted himself against, and cruelly murdered his own Lord and Master. And if S. *Martin* being once brought to his Table, would not upon this account drink to him, or to any other with him, who were partakers, or might be presumed favourers of his insurrection; this spake him

An 383.
n. 19, 20.
Rab. Maur.
lib de Re-
ver. c. 3.

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him a zealous friend to *justice*, and the Sect. 5.
right of *Princes*, and one who earnestly
detested Usurpation and Rebellion.

7. The places produced from *Nazian-* Naz. orat.
zen, *S. Ambrose*, and *S Chrysostome*, do 17.
express the Ecclesiastical authority, to have Ambro. de
an *higher excellency* than the temporal; dign. Sa-
which *Gr. Nazianz.* declareth, by compa- cerdot.
ring his *Episcopal dignity*, with the *Presect* c. 2.
of his City, but the other two by *persferring*
the Ecclesiastical authority, in some Excel-
lencies, to the *Royal*. And indeed there
are very great Excellencies do attend the
Ecclesiastical Ministry, even in some respects
above those which belong unto the *secu-*
lar; and it becomes every good Christi-
an, who hath a value for the *Gospel Grace*,
highly to *esteem* this Ministry: but its
worth and excellency doth not at all prove
its *superiority of Government*, in the state
of the World.

8. The Ecclesiastical Ministry hath such *The excel-*
excellencies as these; That the *persons* lency of the
towards whom it is exercised, are not on- Christian
ly *men*, or members of an humane Society; Ministry.
but are advanced to be *Christians*, or per-
sons *admitted* into the body of *Christs*
Church; and that the *constitution* of this
Ministry was *established*, by the dispensa-
tion of that admirable *grace and love of*
God, which was manifested to the World
by

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B.1.C.5. by our Lord and Saviour; and that the *design* of it hath more immediate respect to the *Souls of men*, and their *Salvation*; as also that heavenly and *spiritual mysteries*, and *blessings* are dispensed thereby. And some of these things are those to which S. *Chrysostome* had peculiar respect, as his words do particularly declare.

Chrys. in
Esa. Hom.
4. & 5.

Excellency
and Supre-
macy of Go-
vernment
are diffe-
rent things.

9. But that such excellencies attending this *ministration*, doth not place the *Ecclesiastical Officers*, above the condition of being *subjects* to Princes, may appear, by proposing a like way of arguing in another case. Every truly *pious man* doth rightly govern his own heart and life, and thereby is not only a *man* and a *visible Christian*, but is a true and *real Christian*, and member of Christ, whose practice is according to his profession. And his chief care is about such excellent things, as the *divine life*, and the *Salvation* of his Soul, which he attaineth effectually; and this man doth receive the *grace of the Gospel*, to the highest and most advantageous purposes; and is not only *dignified* with the honourable titles of a *King*, a *Priest*, and a *Son of God*, but doth receive those great *benefits*, which are included under these *high expressions*. And these are *spiritual excellencies* of a more sublime nature,

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ture, than the bare enjoying either civil or Sect. 5.
Ecclesiastical offices.

10. But if every good man because of these excellencies, which attend his state, should be concluded to have a greater *dignity of authority*, and Government in the World, *invested* in him, than is in *Kings and Princes*, and that therefore he is not, nor ought not to be *subject* unto them; then must the Christian Religion not only bring *confusion* into the World but also make void its own Precepts of *obedience*, *subjection*, and *humility*, and must also make men and the World *the worse*, by taking them off, from performing the duties of their relations.

11. And that neither S. *Chrysostome*, nor S. *Ambrose*, ever intended by such expressions as are above-mentioned, to discharge the *Clergy* from the obligations to *obedience*, and humble reverence to *Kings and Emperours*, is manifest from S. *Chry.* Chryf. in
sofomes declaring, that even *Apostles*, *E-* Rom. 13.
vangelists, and all persons whosoever, ought to be subject to the *civil power*; and from the dutiful behaviour of S. *Ambrose* to *Valentinian*, of which I shall give some account in the following Book.

SECT.

SECT. VI.

The Canons of the Church, concerning the exemption of the causes of the Clergy, from secular cognisance, considered; with some other things, which have some affinity therewith, from Mat. 18. 17. and 1 Cor. 6.

1. There are divers ancient *Canons*, which require the causes which concern the *Clergy*, especially among themselves, to be examined by the *Bishop*, or the *Bishops* of the *Province*, or if it be needful, by a *greater Synod*, but not to be brought before the Courts of the *secular power*. Some such *Canons* are referred to by *Photius*, and others are produced by *Gratian*, and divers of them are enquired into by *Barclay*. To this purpose tend some *Canons* of the *Second* and *fourth General Councils*, and others of the *Provincial Councils*, both in *Africa*, *Asia*, and *Europe*. But it may be presumed, that these *Canons* of the Church would not have thus *determined*, unless the Church had *judged* such cases and persons, not to be under the *Supremacy* and Government of the *secular authority*. And which may seem to add strength to this Objection, even

Phot. No-
moc. Tit.
9. c. 1.
c. 11. qu. 1.
Barcl. de
Por. Pap.
c. 32.
Conc. A-
gath. c. 23.
Conc. Ma-
tisc. 1. c. 5.
Conc. An-
tioch. c.
11, 12.

even the *civil law* it self gives some allow. Sect. 6.
ance to these proceedings.

2. And it may be further added, that when our *Saviour* established his *Church*, there is some appearance, of his giving the whole body or *Society of Christians*, a kind of *immunity*, from the Supremacy of the secular power, in that in Cases of *trespass and injury*, which are civil matters, he directs the proceeding concerning them to be brought before the *Church*. And *S. Paul* enjoins Christians, not to go to law before the civil *Pagan Judicatures*; which things carry an appearance, of a *diminution* of the secular Supremacy, towards the members of the Christian Church. And the usual Trials of the *civil causes* of Christians by *Ecclesiastical Judges*, both before and after the Empire was Christian, is manifest, not only from the *Apostolical Constitutions*, and *S. Aug.* which I above produced; but also from what *Gregory Nyssen* relateth, concerning *Gregorius Thaumaturgus* Bishop of *Neocesarea*, and from the practice of *S. Ambrose*, an account of which we have, both from *S. Austin* and from *himself*.

Secular causes were anciently determined in the Ecclesiastical Judicatures.
Mat. 18. 17.

1 Cor. 6. 1, &c.

Ch. 1. Sect. 4.
Gr. Nyf. in Vit. Gr. Thaum.
Aug. Conf. l. 6. c. 3.
Amb. Ep. ad Marcel- lum. Ep. 24.

3. But for answer hereunto, and for a right understanding of all this, I shall think it sufficient to observe three things.

Obs. 1. That those rules were established

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B. 1. C. 3. blished out of a true Christian and peace-
This some- able design, and to prevent scandal, and
time by thereupon had no ill aspect upon secular
peaceable authority. If a Father of a numerous Pro-
arbitrati- geny, or a Master of a great Family, con-
on. sulting the honour, reputation, and peace
of his Family, enjoin them that they shall
have no open contests with one another;
but if any differences arise, they shall end
them amongst themselves, or else bring
them unto him; all this is no dishonouring
the Supremacy of a superiour Government.
And when S. Paul to the like purpose, en-
joined Christians in general, not to go to
law before the Pagan Judicatures; Aquinas
truly observeth, that this was consi-
stent with the subjection of Christians to
Kings and Governours; since the Religion
of Christians did not allow them to refuse
to appear before Pagan Magistrates, when
summoned, or to submit to their decisions
of right and justice; but only required,
that they should not voluntarily abuse this
way of determination. But it is against no
duty of subjection, to make a private end of
all, or any matters of difference and com-
plaint, whether it be for the love of peace,
or the honour of Religion.

Aquin. in
1 Cor. 6.

4. And Grotius not only observeth,
 how heinous a thing the Jews accounted
 it, that the Gentiles should take notice of
 quarrels

Grot. in
1 Cor. 6.

quarrels amongst them, which they would Sect. 6.
make use of to the *disparagement* of their
Religion; but he also recommends, even
under the *Christian Government* and So-
veraignty, the ordinary *composing* of dif-
ferences by *friendly Arbitrators*. Nor is
it any *infringement* of *Supremacy*, where
such Rules are observed, concerning those
special members of the Christian Church,
the whole body of the *Clergy*. And the
Ecclesiastical Canons which were to this
purpose, were accounted by the third
Council of *Carthage*, to be of like nature
with the directions of *S. Paul* to the *Corin-*
thians, as respecting such Cases, where
they were at liberty, *ad eligendos judi-*
ces, to make choice of such as should judge
their Case. But because there is sufficient
evidence, that such matters were not al-
ways determined by *private Arbitrators*,
but were oft-times decided, by a *judicial*
or consistorial *sentence*, there appeareth
a necessity of adding a further answer.
Wherefore,

Conc.
Carth. 3.
Can. 9.

5. *Obj. 2.* That all those *judicial pro-*
ceedings, to which this objection doth re-
fer, were undertaken by vertue of a spe-
cial *grant*, or *act of grace* and favour, from
the supreme *temporal power*, and therefore
in no derogation from it, but by the con-
sent and *authority* thereof. Of this I shall
give

Those judi-
cial pro-
ceedings
were by the
permission
of their So-
veraign.

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B.1.C.5. give sufficient proof, with respect to all the particulars mentioned.

Ant. Jud.
l. 14. c. 17.
& l. 16. c.
10.

De Bell.
Jud. l. 2.
c. 12. gr.

Grot. in
Mat. 18.

6. For first, When our Saviour gave that *Precept*, *Mat. 18.* the Nation of the *Jews* were indeed under the *Romish power*, but yet they had a liberty to determine matters in *Consistories* of their own. The truth of this is evident from the History of the New Testament, and *Josephus* acquaints us, that there were divers *Imperial rescripts*, in the time of *Julius Caesar*, and soon after his death, which impowered them to live after their own laws, both in *Judea* and in other parts of the *Empire*. Now the *Jewish Government* and their Customs about that time, allowed the *different Sects* among them, to decide such matters of difference, as arose among themselves, according to the *Rules* of their own discipline, as is manifest, from what *Josephus* relateth to this purpose, concerning the discipline and judicial decisions of the *Essens*, which, as *Grotius* well observeth, is sufficient to give allowance to the like proceedings, amongst the *Christians*.

7. Secondly, A little before the time when the Apostle wrote his first Epistle to the *Corinthians*, besides those above-mentioned, there was among others published that

that memorable *Edict* of *Claudius*, where- Sect. 6.
ble he gave liberty to the *Jews* all over his Ant. Jud.
Empire, that none forbidding them, they l. 19. c. 4.
might observe *παρ'εα ἑθνη*, and *idius vopius*,
their own proper laws, and the customs of
their Country. Now it was one of their
known Rules in that age and time, that
wheresoever any considerable number of
them should reside, they should have a lesser
Sanhedrim. And this rule their Rabbins
accounted obligatory, as Mr *Selden* shews, Ibid. cap.
not only in *Judea*, but in what place so- 7 n. 5. & 9.
ever they should inhabit, for the deter- De Syn. l.
mining of matters not Criminal. 1. c. 8. p.
224 &c.

8. And in another place, he gives suffi-
cient proof, that in those times the *Chri-*
stians were comprehended under the
name of the *Jews*: and it is truly observed
by *Pamelinus*, that *Judaica superstitio*, Pam. in
was the phrase which *Verus* and *Antoni-* Tertul. A-
nus used, when they intended to grant pol. n. 64.
priviledges to them of the *Christian Reli-*
gion. And this was because *Christianity*
was first planted in *Judea*, and entertain-
ed and propagated, by those who were of
the *Jewish Nation*; and its followers ac-
knowledgeed and owned the law and the
Propbets. Indeed it must be presumed,
that in the time of open persecution of
Christianity, this licence of favour was
withdrawn, and in that Case, the *Christi-*

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B. 1. C. 5. ans did either *lay aside* all contentions among themselves, and reduced the *peaceable rules* of their religion into a general practice; or else they voluntarily yielded to the *arbitrement* of other Christians.

Canons about the immunity of the Clergy, were established by the favour of Princes.

V. Gratian. ubi supra. Conc. Const. c. 6. Conc. Chalco. c. 9.

Spalatens. de Repub. Eccl. l. 6. c. 5. Grot. de Imp. Sum. potest. c. 7. n. 3.

9. Thirdly, Those *Canons* of the Church, which asserted any *privileges* or immunities in the Clergy, from the temporal Judicatories, were established by the *Emperours consent*, who gave his *confirmation* unto them, and therefore encluded no derogation from his power. Those things which are contained under the name of *decretal Epistles*, of ancient Bishops of Rome, before *Constantine*, concerning the freedom of the Clergy from the secular power, are of so very bad credit, as not to deserve any consideration. That the four first *General Councils*, in which are some Canons relating to this matter, were called and confirmed by the Emperour, hath been proved. And that *Provincial Councils* were called by the same authority, hath been observed, by instancing in very many of them, by the Archbishop of *Spalato*, and by *Grotius*. And if there was any Canon of this nature, which was not confirmed by *Imperial authority*, or the substance of it contained in a preceding *Imperial Law* or *Grant*, it was not brought into practice.

10. And

10. And it is further observable, that Sect. 6.
most of these *Canons* did but provide for
the well and orderly managing those *privi-
ledges*, which the *Imperial law* had before
granted to the *Church*. For before the
genuine Canons of any Councils concerning
this matter, the *Imperial law* had already
established the substance of those *privi-
ledges* in the *Clergy*, as will appear mani-
fest to them who will compare these *Canons*
with the *Edicts of privilege*, granted by
Constantine, Constantius, and other succee-
ding Emperours, which may be seen in the
Code of Theodosius.

De Episc.
& Presbyt.

11. And for the *Judicatures* of *Chri-
stian Bishops*, who therein tryed *civil
causes*, under the time of *Christian Em-
perours*; no man in reason can think,
but this must be done by *favour*, and a
delegated authority. And it is manifest
from the *Imperial law*, that this was a
privilege granted unto them, out of
respect to the *honour of Christianity*: it
being therein enacted, that whatsoever
persons shall please by their own consent, to
have their *Cases tryed* and *adjudged* by
the *Bishop*, they shall have liberty so to
doe.

Cod. l. 1.
Tit. 4. l.
7, 8.
Nov. 83.
& 123.

12. Obs. 3. That the *Canons* were ne-
ver intended, to *disclaim* the *Supremacy*
of *Princes* over the *Clergy*, is manifest,
O 2 because

196 *The ancient Church owned the Supremacy, &c.*

B. 1. C. 5. because in them is *allowed* the application to the *secular authority*, against such Bishops, as will not submit to the determination of the *Ecclesiastical*. This was done by a *Carthaginian Synod*, against *Cresconius* a Bishop of this Province, as is manifest from the *Greek Copy* of the *African Code*; which was the Copy *confirmed* in the sixth *general Council*. And this particular Case is approved in the *Comments* of the *Greek Scholiasts*, and is also referred unto in the *Nomocanon* of *Photius*, as giving direction when one Bishop may *prosecute* another, before a *secular ruler*. And it may be further observed, that the *Canons* from the 37th to the 61st of that *Greek Code*, were taken out of the *third Council of Carthage* (this fifty third Canon, to which this *Action* is there annexed, or according to *Justellus* his Code, the forty eighth, is the thirty eighth Canon of that Council) wherein a particular *Canon*, for the *priviledge* of the *Clergy* was established. And the *Canons* prohibited *applications* to the *secular power* against any of the *Clergy*, almost in the same manner as they forbad the *application* to a *general Council* against a *Bishop*, which was condemned, unless the other methods by the *Bishops* of the province should prove ineffectual.

Conc.
Carth. gr.
c. 53.
Conc.
Trull. c. 2.

Nomocan.
Tit. 9. c. 8.

Conc.
Constant
c. 6.

CHAP.

CHAP. VI.

Of the renouncing all Foreign Jurisdiction and Authority ; and particularly the Supreme Power of the Bishop of Rome.

SECT. I.

The latter part of the Oath of Supremacy considered.

1. **T**H E Royal Supremacy will be further vindicated , by refusing the pretences , which are vainly made by others , to the whole or any part of the just *Sovereignty* of Princes ; wherein I must chiefly consider the claims of *Foreign Jurisdiction* , which are rejected and disowned in the *Oath of Supremacy*. In which Oath it is declared, that *no Foreign Prince, Prelate, State or Potentate, hath or ought to have, any Jurisdiction, Power, Superiority, Preeminence or Authority, Ecclesiastical or Spiritual , within this Realm , and therefore all such Authority is disclaimed and renounced.*

Foreign Jurisdiction disclaimed.

2. But hereby it is not intended , that

198 *Of renouncing Foreign Jurisdiction,*

B.1.C.6. no *Foreign Bishop, Priest or Deacon*, shall be owned in this Realm, to have that *preeminence of Order*, in the Catholick Church, unto which they have been duly received; not that their *power of order*, for the performing *Ecclesiastical Offices*, is invalid and null, if they come into this Realm. But this is no power of *Government* and Jurisdiction, within this Kingdom by a *Foreign Authority*; which is herein rejected. Neither is it hereby meant, that if the *Ecclesiastical Governours* of any Foreign Church, do within their Jurisdiction, duly *admit* any person into the Church, or do, *clave non errante*, excommunicate or *absolve* any, that the Christians in this Realm have no obligation upon them, from the *authority* of such proceedings, to embrace or avoid *Ecclesiastical Society* with such persons. For this would be contrary to the Article of our Church,

Article 33. with asserteth, that *that person which is rightly cut off from the Unity of the Church and Excommunicate*, ought to be taken of the whole multitude of the faithful, as an *Heathen and Publican*, until he be openly reconciled by penance, and received into the Church, by a Judge that hath authority thereunto. And the ancient Canons of the Church did determine, that he who was excommunicated by his own

The just authority of Church Officers asserts.

Can. A. post. 12.
Conc. Antioch. c.6.

own Bishop, might not be received by Sect. 1. another.

3. But the *obligation* which in this Case lyeth upon us, and all the members of the Catholick Church, is not from any *Jurisdiction* or Superiority, which we acknowledge any such Foreign Officers of the Church to have over us; because this obligation equally lies upon all *Catholick Bishops*, *Metropolitans* and *Patriarchs*, as well as upon ordinary and *private Christians*. And it would bring in an unaccountable confusion to assert, that every *Bishop* under the *Patriarch of Alexandria*, should have a Superiority over all the *Bishops* and *Patriarchs*, of the *Roman*, *Constantinopolitan*, and other free Churches throughout the World, not excepting the *Alexandrian* it self; and at the same time to assert that every *Bishop* in any of these other Churches, hath upon the same account superiority over him, and all other *Bishops* and Churches. But this duty is incumbent upon us, from the nature of our Christianity and *Christian Unity*. For Christ having made his Church to be one Body, who ever undertakes Christianity, is thereby obliged to *own communion* with this Church, and all the regular Members thereof, and to *disown Communion* with those who are rightly cut off there-

B. 1. C. 6. from : and he having appointed Officers in his Church, hath according to their Offices, given them authority to exercise the power of the *Keys* in his name, in the Churches committed to them. And hereupon *Synesius* Bishop of *Ptolemais*, having excommunicated *Andronicus* and others, by vertue of his *Sentence* pronounced against them, did require the Churches all over the Earth, that they should *not receive them into Communion*.

Synes. E-
pist. 58.

4. But this *Oath* tending according to the design of that Statute, by which it was established, to *restore* to the *Crown* its ancient *Jurisdiction*; that authority which is chiefly rejected thereby, is such as *invaded* or *opposed* the Royalty of the *King*; and particularly that which claimeth any *supreme cognisance* of Ecclesiastical affairs, as if they were not under the care of the *Temporal power*, or that pretendeth to any other authority above, or against the *just rights of the Crown*. And such is the arrogance of the *See of Rome*, which assumes to it self a claim of *supreme authority* in matters *Ecclesiastical*, and even in *temporal* also; which many of its followers defend as belonging thereto, upon account of its *spiritual authority*. Thus *Bellarmino* declareth, that if the management of *temporal affairs*, appeareth pre-judicial

Bellarmino.
de Rom.
Pont. l. 5.
c. 6.

judicial to spiritual ends, *potestas spiri-* Sect. 1.
tualis potest & debet coercere tempora-
lem; the spiritual power may and ought
to restrain the temporal, by all ways and
means, which shall seem needful to that
purpose. And Boetius Epo tells us, that Question.
the Roman Bishop virtute potestatis merè Herolcar.
spiritualis, by virtue of his mere spiritual l. 2. c. 3.
power, doth sometimes deprive bad Kings n. 105.
of their Kingdoms. But the falshood and
injustice of this claim will be discovered,
by detecting the fraud and vanity of the
Pleas, made use of to support the Popish
power, of which in the following Secti-
ons.

5. But a learned man hath given inti
 mation of some suspicion, that by these
 words of this Oath of Supremacy, the au-
 thority of a General Council of the We-
 stern Churches, may seem to be disclaimed.
 And it must be granted, that the determi-
 nation of a truly regular General Council,
 either of all the Western Churches or of
 the whole; especially if it should establish
 a due reformation of the corrupt part of
 the Church, and a right order and unity
 throughout Christendom, would be ob-
 ligatory upon us, not only from the real
 goodness of the design, but from the au-
 thority of the Council, or the obligation
 that lies on the members, or several parts
 of

Weights
 and Meas.
 Ch. 20.
 Of a gene-
 ral Coun-
 cil.

B.H.C.6. of the Christian Church, to be guided by the *directions and rules*, established by the united consent and authority of the *Pastors*. Yet 1. Since such a Council neither is *in being*, nor in any likelihood thereof, that which is not, hath no Authority or Jurisdiction. 2. This *Church and Realm* being a considerable branch of the Catholick Church, the *authority* of such a Council, or of the Christian Church therein, is no more *foreign* to us, who ought to bear a part therein, than the *Soul* is to a chief member of the body, or than the *laws of nature*, and rules of *civility* may be esteemed foreign things, which have as *considerable residence* here as any where else. 3. The Oath it self is so *expressed*, as if it purposely designed not to exclude the authority of a *General Council*, which properly is neither a *Prince*, a *Person*, a *State*, or *Potentate*. 4. As this Oath disowneth all *foreign authority* encroaching upon the Crown; so if any *Council* how general soever, should *abridge* or violate the *Royal Authority*, all faithful Subjects are so far bound, by the authority of God, to disclaim it. 5. Though the determinations of a Council be never so excellent, if any Princes by their *Laws* reject or prohibit them, as the *Arian Princes* dealt with the *Council of Nice*,
Christians

Christians in such places are bound to embrace them, upon no other terms, than they do their common Christianity; that is, in bearing the Cross, and undergoing unavoidable penalties, and thereby acknowledging the right, and due extent of the authority of the civil power.

6. The last part in the Oath of Supremacy, engageth Allegiance to the King his Heirs and Successors; and also a defence of all Jurisdictions, priviledges, preeminences and authorities, granted and belonging to the King, or united and annexed to the Imperial Crown of this Realm. Now the only appearing difficulty here, is concerning the last clause; for if when the great encroachments of the Pope were discarded, some thing might be overdone, in annexing things to the Crown. (as in fixing in the Crown those great Revenues given to Religious uses, when in many places there then was, and yet is wanting a competent provision for the support of the Ministry) it may be enquired, how good men, and good Subjects, may and ought to defend these things. And it will be sufficient to observe, that the defence here undertaken, is that of a Subject towards his Sovereign. And all Subjects of the Realm are, as such, obliged both with respect to the duties of obedience

The Oath of Supremacy engageth a defence of priviledges and authorities united to the Crown.

27 H. 8.

28.

37 H. 8. 4.

1 Ed. 6. 14.

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B.1.C.5. *dience and peace*, in their capacities to oppose all persons who would injuriously violate what is enjoyed by the *Crown*, and established by the *law*, since such persons may justly be suspected of designs to *subvert* the Government, and undermine the publick welfare; and do act disorderly and against *authority*.

7. And some thing which at first view may seem an *abatement* of the *authority of the Church*, is rather such a way of regulating the exercise of its power, as under Religious Princes is for the Churches advantage. Of this nature I conceive that
 25H.8.19. constitution, that *no new Canons shall be enacted, promulged, or executed, without the Royal assent and licence, to enact, promulge, and execute the same.* For hereby the Clergy give such security to the King, against all jealousy of renewed *Ecclesiastical Usurpations*, that thereupon the Church may under the *Kings favour*, and with assurance of greater safety and protection, practise upon its *established constitutions*; which are so good, that we have great cause to bless God for them. And hereupon it may also be hoped, that what shall be further needful, may be *superadded* by the *Royal Licence*, and become more effectual to its end, by the *confirmation* of that *authority*.

8. But

8. But because what I have now dis- Sect. 1.
 coursed, dependeth upon a fair, but na- How the
 tural and genuine *interpretation* of these words of
 words of the Oath of Supremacy, it may publick ac-
 be further enquired, how we may safely knowledg-
 and prudently *interpret* the forms of pub- ments must
 lick *acknowledgments*, where the bare be interpre-
 Grammatical construction may be possibly ted.
 capable of *different senses*. Now though Grot. de
 a *forced laxe sense*, by an *evasion* to J. B. & P.
 avoid the design of the law or constituti- l. 2. c. 13.
 on, be justly, and must necessarily be re- n. 3, 5, &
 jected; yet a *rigid interpretation* to c. 16. n. 12.
 strain the words, and force them to an & l. 3. c. 1.
 harsh and *unlawful sense*, (as is too oft n. 19.
 done by discontented persons) is also to Sanderf.
 be *discarded*, where there is another de oblig.
 construction or meaning, of which the Juram.
 words by *natural interpretation* are capa- Præl. 2.
 ble, which is agreeable to *truth* and *ju-* n. 8.
stice, and secures the *intention* of our
Superiours. For besides that *Christian*
Charity and *equity* will incline to this
 sense, the *politick rules* of Government
 will require Governours to draw up *pub-*
lick acknowledgments in such phrases,
 that they cannot by a fair construction, na-
 turally admit a lower sense than is design-
 ed. For otherwise such *forms of words*
 would be useless, and not attain their end:
 and this consideration alone is sufficient to
 vindicate

B. I. C 6. vindicate and acquit the *form* of words, in this *Oath of Supremacy*, from such censures as have inconsiderately dropt from the Pen of a learned person.

9. But those general words of this *Oath of Supremacy*, and the *Canonical subscription*, and words of like general force in the *Queens Injunctions*, and our *Canons*; whereby all *foreign Jurisdiction* and obedience thereto is renounced; have manifestly a more particular respect to the *Bishop and Church of Rome*. For the design of that *Statute*, which enjoins the *disclaiming all foreign Jurisdiction by Oath*, is to restore that Jurisdiction to the *Crown*, which had been usurped by the *Pope*; and our *Articles* do assert, that *the Bishop of Rome hath no Jurisdiction in this Realm of England*; and the *Injunctions of King Edward* did also declare, that *no manner of obedience and subjection, within these Realm and Dominions, is due to him*. And the truth of this I shall undertake to manifest, after I have first given some account of the claim he makes.

Qu. Eliz.
Inj. 1.
Can. 1.
1603.

1 Eliz. 1.
Article 37.

R. Edw.
Inj. 1.

SECT.

SECT. II.

The high claims of Papal Supremacy declared.

1. Against the *supreme Government of Princes*, there is an high and imperious demand made, of an *Universal Monarchy*, for the Romish Bishop; and of an *exemption* from the secular Government, for all *Ecclesiastical things and persons*. And this is pleaded for and defended by divers of their Writers.

2. Yet among those who embrace the *Romish Communion*, there have been and are considerable persons, who have maintained, that the *Pope as Pope*, and by *divine right* hath no *temporal power*, and in *temporal things* hath no authority over *Kings*. And yet even these men acknowledge the Bishop of *Rome*, as *Christs Vicar*, and the *Universal and Supreme Pastor*, to be endowed with a *spiritual power* and *Empire*, over all *Christian Kings and Monarchs*. But some of them do expressly grant to *Princes*, an authority in *causes Ecclesiastical*, so far as is necessary for the preservation of the *temporal Republic*.

Various assertions of Romish Writers concerning the Popes Supremacy. Barcl. de potest. Papæ, c. 3. & adversus Monarchomach. l. 4. c. 4. & l. 5. c. 8.

3. This opinion was not only embraced

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B.1.C.6. ced by *Job. Major*, *Jacobus Almain*, and some others more anciently, but is also at large declared and defended by *Barclay de potestate Papæ*, *Blackwel* in his Examination, *Barnes* in his *Catholico-Romanus Pacificus*, and divers others. But this assertion is not only distastful to the Romish Court, but even *Bellarmino* accounted it to be rather an *Heresy* than an opinion.

De Rom.
Pont. l. 5.
c. 1.

4. Many others there are, who deny the Pope to have any *direct* temporal power; but yet grant him as much as he can desire, under the terms of *indirecte*, & *in ordine ad spiritualia*. For since by this phrase is meant, in order to the advancement, or preservation of the See and interest of the Romish Church, and those of its Communion; these persons grant as much *indirectly*, as any other do *directly*: even as if any persons should aver, that *Alexander* had no *direct* right to any other Kingdom or Countries, but in order to the advancement of his Crown, or enlargement of his Government, his claim was *valid*; these give him as large a title, as any other persons can do. This method doth *Bellarmino* in his Controversies embrace, with many others whom he mentions, and he calls this *the common opinion*; in explaining of which, he gives the

and chiefly the Popes Supreme Power. 209

the Pope this ample and extensive power, Sect. 2. that he hath in order to spiritual good, the Bell. ibid. supreme authority of disposing of the temporal things of all Christians. Yea he asserts, that he can depose Kings, and transfer Kingdoms, not as an ordinary Judge, but as a supreme spirit^ual p^ower: and that he cannot ordinarily either establish temporal laws, or make them void as Pope; but that he can do this if the Kings themselves will not do it, in ordine ad salutem animarum.

5. Yet because he who talked at this rate, spake with some reserves, and seeming limitations of expression rather than of sense; and chiefly because by considerable argument, against the Popes direct temporal power, he had indeed taken away the direct support for this indirect power, we are informed by Barclay, that Sixtus the fifth had a design, and almost accomplished it, by a publick censure to abolish all Bellarmine's Controversies, because in this particular he did not comply far enough with his ambition. And it hath been observed, both by Blackwell, and Bishop Mountague, that Carerius in his Book de Potestate Rom. Pontificis, making it his drift to refute Bellarmine and his notion, yet inscribes it, adversus politicos, & nostri temporis hereticos.

Barcl. de
Potest.
Pap. c. 13.
p. 101. &
c. 40. p.
319.

Acts and
Monum. c.
8. n. 8.

P

6. But

B.1.C.6.

6. But there are many *Canonists*, and others, of whom *Baronius* was one, who asserted the Pope to have a *supreme universal temporal power*, by divine right, over all the World, & *tam jurisdictionis quam proprietatis*, as *Becanus* expresseth their sense. Many maintain this opinion, are mentioned by *Bellarmino*, and others by *Blackwell*, who observes that both *Rodericus Sancius* and *Cacerius* do call this the *Common opinion of Divines*.

M. Becan.
de Justit.
& Jure, c.
3. q. 7.
Blackw.
Exam.
n. 20.

*Universal
temporal
supremacy
challenged
by the Court
of Rome.*

*Flacina in
Greg. 7.
Baron.*

7. But however any private persons of the *Romish Communion*, may think in their studies, or dispute in their Writings, the publick claim of the Court of Rome hath been for an *universal direct temporal power*, as is fully evident from these among other instances. When *Gregory* the seventh undertook to transfer the Imperial Crown from *Henry* the fourth to *Rodolphus*, he founds the right of his disposal thereof upon the gift of Christ to *S. Peter*, and his pretended Successors at Rome, saying, *Petra dedit Petro, Petrus diadema Rodolpho*.

Extr.
Com. l. r.
Tit 8. c. 1.
Unam
Sanctam.
Mart. Po-
son. an.
1303.

8. The Constitution of *Boniface* the Eighth, asserted both the *spiritual* and *temporal power* to belong to *S. Peter*, and the Church, with respect to which *Martinus Polonus* declared, *se dominum spirituale*

tnalem & temporalem in universo mundo Sect. 2.
afferebat. And in his Oration, in con-
 firming *Albertus* to be King of the Ro-
 mans, lately published by *Baluzius*; he
 affirmed, that as the Moon hath no Light,
 but what it receiveth from the Sun; so
 there is no *earthly power* which hath any
 thing, but what is *deri* from the Ec-
 clestiaſtical power; and all powers, ſaith he,
 are from *Chriſt*, and from us as the *Vicar*
of Chriſt. And he there declareth, that
 Chriſt hath given his Vicar that power,
 that he hath the right of *Conſtituting an*
Emperour, and of *translating the Empire*;
 with much more to that purpoſe. And his
 high conteſts with *Philip the French*
King, upon the like claim, were very no-
 torious, which occaſioned the earneſt De-
 claration of the *Eſtates of France* againſt
 him.

Baluz. in
Addit. ad
Marc. de
Conc. l. 2.
c. 3.

9. And in that large Reſcript of *Alex-*
ander the Sixth, to *Ferdinand and Iſa-*
bella, King and Queen of *Caſtile and Ar-*
ragon, and to their Heirs and Succeſſors
 for ever; he undertakes to give to them
 all the *American land* unpoſſeſſed of any
 other Chriſtian Prince, and all *Iſlands*;
 and all parts of the *Continent*, which ei-
 ther already are, or hereafter ſhall be diſ-
 covered, as things which were granted to
 him in *S. Peter*, and in his power to diſ-
 poſe,

7. Decre-
 tal. l. 1.
 Tit. 9. c. 1.

B.1.C.6. pose, *authoritate omnipotentis Dei, ac vicariatus Jesu Christi*; upon account of the authority of God, and the Vicarship of Christ; with other such like words. And when Bellarmine in his Books *de Romano Pontifice*, had given such a sense of this grant, as if it signified no more, than to empower them to ~~send~~ *preachers* thither, and to protect converted Christians, and to do such like Offices; he afterwards found reason to retract what he had there said, and acknowledged that when he wrote that, *he had not seen that rescript it self*; but only followed the opinion of Cajetan, and some others.

In lib. Re-
cognit.

De Benef.
l. 1. c. 4.

10. The Bull also of *Pius Quintus* against Queen *Elizabeth*, declareth, that Christ had constituted him a Prince, over all Nations, and over all Kingdoms. And the Bull of *Sixtus* the Fifth, against *Henry* the third of *France*, asserteth him to have obtained a supreme power, delivered to him by divine institution, over all Kings and Princes of the whole Earth, and over all people, Nations and Countries. But these usurpations upon Royal Authority, were so distastful to a considerable part of the Romish Communion, that *Duarennus* with respect to his own age, tells us, that he thinks there is no sober and learned man, who can approve thereof.

11. And

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11. And the proud and stately behaviour, and deportment of this Bishop, The Popes behaviour towards Princes. towards Emperours and Kings, when they are admitted into his presence, is suitable hereunto, which by their own Ceremonialist we have thus described. *Romanus Pontifex nemini omnino mortalium reverentiam facit, &c.* Sacr. Cerem. l. 3. Sect. 1. c. 2. The Roman Bishop doth no reverence to any mortal man, either by rising up openly; or by bowing his head, or by uncovering it; but after the Roman Emperour, or other great Kings, have kissed his foot, and his hand as he sitteth, he doth a little rise towards them to receive them to kiss his mouth. And again *Omnes mortales, &c.* Ibid. c. 3. All mortal men of whatsoever dignity and preheminence they be, when they first come into the Popes presence, must thrice at distant spaces, bow their knee before him, and must kiss his feet.

12. I forbear to mention, what our Histories manifest, of the haughty, insolent, and imperious carriage of the Pope, towards our *English Kings*, especially King Henry the Second, and King John. But that proud and arrogant speech of Gratian the Popes Legate, to Henry the Second, *Nos de tali curia sumus, quæ consuevit imperare Imperatoribus & Regibus;* we belong to that Court, whose cu-

B.1.C.6. *from it is to command (or rule over) Emperours and Kings*, was so hugely pleasing to *Baronius*, that he thought fit to record it in *great letters*, and in the margin to note, *Gratiani responsio digna legato*, that it was such an answer of *Gratian*, as was fit for the Popes Legate to make. And what *Luciferian* insolency appeared in that Speech of *Innocent* the Fourth, concerning *Henry* the Third, *Nonne Rex Anglorum vasallus noster est, & ut plus dicam, mancipium?* Is not the King of England our *Vasal*, and that I may say more, our *slave*? And that this was no unusual stile at *Rome*, appeareth from ancient *Records* in the *Tower*, which declare the Pope both in his *Council* at *Rome*, and in his Letter to the *Barons* and *Commonalty* of *England*, to have called King *John* his *Vasal*.

Baron. an.
1196. n.
11.

Mat. Paris.
an. 1253.

Pryns Ad-
dit. to Hi-
story of K.
John, f. 18.
& f. 28.

Hist. Conc.
Trident. l.
5. p. 333,
334. an.
1558.

13. And waving many other things, I shall only add, that immediately before the framing the *Oath* of Supremacy, *Queen Elizabeth* coming to the Crown, signified her *Inauguration* to *Paul* the Fourth then Pope, by *Edward Carne*, who was then at *Rome*, as an *Ambassadour* from *Queen Mary*: the Pope proudly returns his answer, That *the Kingdom* of *England* was a *Fee* of the *Apostolical See*, and that it was intolerable boldness in her, to assume the

the name of *Queen*, or the Government of Sect. 2.
the Kingdom, without his approbation; and
therefore he propounded to her, to renounce
her pretended right to this Realm, and to
leave it to his dispose. From these things
it may appear, what great cause there was,
for this Crown to take care, that all the
Subjects thereof, who are in any chief places
of trust and employment do disown such
foreign claims, which would undermine the
very foundations of Regal Authority. And
the meer recital of such things as these, are
such palpable evidences of impudent arro-
gancy, despising Dominions, and opposing
the humble, meek, and peaceable design of
the Christian Religion, and even the prin-
ciples of humane reason and polity; that
this alone may be sufficient with all under-
standing and good men, to raise in them an
abhorrence of, and indignation against such
intolerable ambition.

SECT. III.

Such claims can have no Foundation from the Fathers, and have none in the direct expressions of Scripture, which they alledge.

1. Every rational man might well expect, that so vast a claim, both of *Ecclesiastical* and *temporal power*, ought to be supported with some very considerable evidence, which in this case can be no other, but a manifest *divine constitution*. For since the very being of the *Church of God*, depends upon his founding it, and the very being of its *Officers*, upon Gods appointing them; there can be no other ground for any *Ecclesiastical Officer*, to claim upon a Christian account, a *Supremacy of rule* over the World, unless he can produce the institution of God to this purpose.

Some restrictions on the sense of the ancient Church concerning this Supremacy.

2. And therefore it would be needless, as it might also be tedious, to examine those expressions of the Fathers, wherein they spake with respect and honour to the *See of Rome*: for such expressions if they had been never so plain, could not found any original *divine right*. And it would be no difficulty, if it had been needful,

to

to evidence by examining them, that they Sect. 3.
were far from asserting that *Supremacy*,
which is challenged.

3. But instead of this, I shall observe,
that the greatest Authority of the Christi-
an Church, hath sufficiently disclaimed all
such *Supreme Universal Authority*, and
Government of the *Romish Church*. For
that famous Canon of the *Council of Nice*, Conc. Nic.
doth plainly give the same power and au- Can. 6.
thority, to the *Bishops of Alexandria* and
Antioch, and the other *Eparchies*, or
chief Dioceses, within their limits, which
it gives to the *Bishop of Rome*, and makes
them stand on even ground with one ano-
ther; which could not be done, if the
authority of the one was *in subjection* to
the other, and the authority of the other
without subjection to any. The second
General *Council* also determined to the Conc.
same purpose: the sense of which is ex- Const. c.
plained and confirmed in the *Council of* 2, 3.
Chalcedon, in a genuine Canon received
into the Code of the *Universal Church*,
but disgusted by the *Roman Church*,
Which Canon doth assert the *privilege* Conc.
and authority of the *Romish Church*, to Chal-
have had its original from the *Constituti- c. 28.*
on of the Fathers, out of respect to the
Imperial City: and therefore they upon
the same account give to *Constantinople*,
which

B.1.C.6. which was the Seat of the *Eastern Empire*, a right of ἴσων πρεσβείων *equal privileges* and dignity of See with that of *Rome*, and to be next to it in order. The same also is established in the sixth general Council.

Conc. in
Trul. c.
36.

4. But since there is an high pretence to a *divine right*, according to the doctrine of Christ, generally made by the Romanists, for the Universal Supreme *Spiritual Power* of the Pope; and by many of them for the *temporal* also; these pretensions must be discussed and examined. And though the latter be the more *extravagant* and *exorbitant*, yet they being both false, and some of the same Foundations being made use of, to support them both, I shall consider them together. Now it is highly improbable, that he whose doctrine establisheth the temporal power as *Gods ordinance*, and requires subjection from all persons to the same; should wholly *devest Kings* of their Supremacy, and appoint their authority to be altogether under the disposal of another, to wit, the Bishop of *Rome*. But my design being to *defend the Royal Supremacy*, and not only to oppose the *Roman*, I shall assert, that no *Officers* of the Christian Church ever were, or are *invested* with any such *superiority* over Princes, and if none, then not they at *Rome*.

5. Some

5. Some testimonies of *Scripture*, produced for the asserting a general *Supremacy* of the *Pope*, both *temporal* and *spiritual*, are so extremely fond and frivolous, that I should account it a piece of vanity to take notice of them, had they not been urged by the *Popes* themselves, who challenge a title to *infallibility*. Such is that of *Boniface* the Eighth, proving that *S. Peter* and the Church had the power of the *temporal Sword*, because our Saviour said to him, *Put up thy Sword into the sheath*, therein using these words, *thy Sword*: and that when the Disciples said to our Lord, *here are two Swords*, he answered, *it is enough*, *Luk. 22. 18. non nimis esse, sed satis*; and also urging those words of the Apostle, *The spiritual man judgeth all things*. Surely such instances as these, and divers of like nature, give evidence enough, that God never designed the whole Christian Church should be so *fottish*, and void of all understanding, as to be guided by the dictates of such men as *infallible*.

6. Some of the *Popes* have also made use of those words of *Jeremy*, *Jer. 1. 10. I have set thee this day over the Nations, and over the Kingdoms, to root out, and to pull down; and to build, and to plant*, But 1. What authority can these words give

Sect. 3.
What *Scriptures* the *Popes* themselves have used for their universal *supreme* claim.
Extrav.
Com. l. 8.
Tit. 8. c. 1.
Unam *Sanctam*.

Bonif. 8.
ibid. Joh.
22. in Extrav. c.
Super *grates*.

B. 1. C. 6. give to the Pope, when they respect not the time of *Christianity*, nor speak of any ordinary authority in the Jewish Church, in which *Jeremy* was no *Higb Priest* ? but they only express a *prophetical Commission* to him an inspired man, to declare the pleasure of God from his mouth, concerning the *Kingdoms of the World*, as is manifest from v. 5. & 9. 2. How strangely different was the spirit and temper of *Jeremy* towards Kings, from that of the *Roman Bishop*, notwithstanding this his Commission ? When he speaketh of the disposal of many Kingdoms, into *Nebuchadnezzars* hands; he useth not the Roman stile, as conveying the title unto him himself, but speaketh on this manner ; *Thus saith the Lord, I have made the Earth, --- and I have given all these lands into the hands of Nebuchadnezzar, Jer. 27. 4, 5, 6.* And when he spake to *Zedekiah*, he treated him not as his *Vasal*, but his words are, *Jer. 37. 20. O my Lord the King, Let my supplication, I pray thee, be accepted before thee.* So far was that mournful Prophet, from being the *Universal Monarch* of the World.

Other arguments from Scripture examined.

7. But the arguments most insisted on by the Romish Writers are more plausible, though insufficient, and unconcluding. For *S. Peters singular Supremacy*, they produce

produce *Mat. 16. 18. Thou art Peter, Sect. 3. and on this rock I will build my Church.*
Ans. 1. That *S. Hilary*, the *Commentaries* in *S. Ambrose*, *Gr. Nyssen*, *Cyrillus Alexandrinus*, *S. Aug.* and *Chrysostome* understand this *rock* of the *Faith* of *S. Peters Confession*, is acknowledged by *Barradius* the *Jesuit*; besides others observed in *Chamier* to the same purpose, as the *Liturgy* of *S. James*, *Basil* of *Seleucia*, *Theodore*t and *Epiphanius*. And divers *Fathers* are in the same place noted to understand this *rock* of *Christ himself*: which sense is favoured much from *Is. 28. 16. 1 Pet. 2. 4, 7.*
Ans. 2 As the *Church* of *God* is oft resembled to a *building*, and called the *house* of *God*, *S. Peter* according to the expression of divers *Catholick Writers*, may be herein owned to be *petes*. (which word ordinarily signifies a *Rock* or a *Stone*) a *prime stone* of the *Foundation*, united to *Christ* the *chief Corner-stone*: and so were also the rest of the *Apostles*, *Eph. 2. 20. Rev. 21. 14.* But to assert him to be the *rock* distinct from the whole *building*, and which beareth the whole, together with the *Foundation* it self, would be to exclude him from being any *member* of *Christ Church*, and to own him as supporting *Christ* himself, who is called the *Foundation*, and the *chief Corner-stone*. And though

Barrad. de Conc. Evang. Tom. 2. l. 10. c. 3. Chamier. Tom. 2. Panf. l. 11. c. 3, 4.

V. Dr Hammond's Annot. on Mat. 10. b.

B. I. C 6. though S. Peter had a kind of *priority of order*, yet all the Apostles had the *same Office*, and were with him equally partakers both of honour and of power; or in S. Cyprians Phrase, they were *pari consortio præsidi & honoris & potestatis*. This place therefore gives S. Peter a *spiritual eminency* in the Church, but with the rest of the Apostles: but it nothing at all concerneth any *temporal power* in him, nor any *exclusion* of Princes from supreme Government.

Cyp. de
Unit. Eccl.

8. It is also pleaded, that Christ, Mat. 16. 19. promised S. Peter, the *Keys of the Kingdom of Heaven*, and said, *Whatsoever thou shalt bind on Earth, shall be bound in Heaven*, &c. Ans. 1. The Keys being an Embleme of *Authority*, this Text doth treat of a very high and great spiritual power, of *receiving* men into the Church of Christ, and the several ranks and orders thereof, and unto the participation of Christian priviledges, and of *excluding* from all these, and *governing* the Church. But this power as the ancient Church did acknowledge, the other Apostles did also enjoy, and were actually possessed of, as appears Mat. 18. 18. Jo. 20. 21, 22, 23. Ans. 2. How vastly different is this power from the *temporal Dominion* over the Kingdoms of the World, of which

Cyp. Ep.
27. & 73.
Aug. in
Joh. Tract.
50.

which there is not any word here spoken Sect. 3.
by our Lord? And surely any man who
considereth the doctrine and lives of the
Apostles, cannot imagine that every one, or
any one of them, was intended and design-
ed of God to be the Sovereign Potentate,
and grand Emperour of the World. It is
therefore a just complaint against the Ro-
mish party, that *ex clavibus eundunt enses*, Conf: Hel-
vet. c. 14.
lanceas, sceptrā & coronas; out of the Keys
they forge Swords and Spears, Scepters and
Crowns, and usurp temporal Dominion,
equal with, or superiour unto Kings, not-
withstanding that our Saviour expressly
rejected from his Apostles, such Dominion
as the Kings of the Gentiles exercised. Mat.
20. 25, 26.

9. But *Pasce oves meas, Feed my sheep*,
Jo. 21. 16. is a place chiefly insisted up-
on. And if no more was hence inferred,
than a spiritual and Apostolical authority
in S. Peter, this is readily granted and as-
serted, and the other Apostles enjoyed the
like. But Bellarmine will have *requirere*,
to be a Charter of Sovereignty, and to
enclude governing and commanding as a
King doth. And he and others also infer
the extent of S. Peters power, over all
Apostles and Kings, because they are
Christ's Sheep. To which I Ans. 1. Not S.
Peter only, but all Bishops and Elders, are
commanded

Bellarmin.
de Rom.
Pont. l. 1.
c. 14, 15,
16.
Layman.
Theolog.
Moral. l. 1.
Tr. 4. c. 6.

B.1.C.6. commanded ποιμαίνειν, to feed, or have a Pastoral care over the Flock. *Act.* 20. 28. *1 Pet.* 5. 2. And among all Ecclesiastical Writers, beginning from *Ignatius* and downwards, the Bishops and chief Officers of the Church, have been acknowledged to be *Pastors*. Now if this Office of *Pastor*, doth not necessarily enclude a Sovereign or *supreme Government*, then no such can be asserted to *S. Peter*, or his pretended Successor, from this Text: if it doth, then must this be ascribed to every Bishop, which will necessarily overthrow the Popes *Universal claim*. *Ans.* 2. Government over the *Sheep* of Christ, is also too narrow a compass for an *Universal Monarchy*.

10. *Ans.* 3. Ποιμαίνειν being a Metaphor from Shepherds, is thence sometimes used, for to *take care and feed*, and at other times for to *rule and govern*, and oft for both. Now though the Officers of Christ have a *pastoral authority* over his Flock: yet these words, *Joh.* 21. 15, 16, 17. were principally directed to *S. Peter*, as supposing in him this authority, and requiring his duty of *care and feeding*, and not as conveying to him a *peculiar authority* and Dominion: because this is enjoined upon him as an evidence of his *love* to Christ; and because among the three Precepts, to
take

take care of the Sheep of Christ and his Sect. 3. Lambs, two of them are there expressed by βοσκει which must be understood only of feeding. *Ans. 4.* Civil Governours also are to be as *Shepherds* over their Flock, with particular respect to rule and Government. The Government of God is sometimes expressed by his being the *Shepherd of Israel*: and a Prince, whom *Homer* stiles, the *Pastor of the people*, ποιμένα λαών, is by *Philo* and other Writers, oft mentioned by a like name. And a civil pastoral power over all their people, is yielded to them, *Num. 27. 17. Is. 44. 28.* which is expressed in the *Septuagint*, by ποιμαίνειν, *2 Sam. 5. 2. Ch. 7. 7. Psal. 78. 71, 72.* But every one must use their power according to their Office; Ecclesiastical Officers are to use the spiritual authority but temporal Sovereignty is reserved to Princes. *Ans. 5.* The pastoral office of the guides of the Church, doth extend it self even to *Kings*, with respect to the conduct of their Souls, but yet this doth not exempt them from being under the *Regal Sovereignty*. A Prince may be ruled by a *Physician* concerning his health, or be led by a *guide* at Land, or a *Pilot* at Sea, and not lose his *Sovereignty* over these Subjects. And the *Kings of the house of David*, were the chief Rulers over

Phil. de
Agriculi.
& de Jo-
seph. &
quod om-
nis probus
liber.

Q

the

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B.1.C.6. the Realm, though the Priests were to offer *Sacrifice* for Prince and People, to direct them in Religion, and to judge in case of *Leprosy*, and such like.

SECT. IV.

Other arguments for the pretences of Papal Authority, answered and refuted.

Annal.
Eccl. an.
57. n. 28,
29, 30.

Ibid. n. 31.
32.

The Priest-
hood of
Melchise-
deck.

1. The support which *Baronius* affords, for the Popes Supremacy, is that Christ himself is a Priest, after the order of *Melchisedeck*, being both King and Priest, according to the Apostle, *Heb. 7.* and that from him the regal and sacerdotal authority, are together conferred upon his Church, first upon the Apostles, and then upon their Successors: which he further undertakes to prove, because our Saviour declared to his Disciples, *Jo. 20.* *As my Father sent me, so send I you;* and did establish in his Church a Royal Priesthood, *1 Pet. 2.* And though the Cardinal will not allow, that this authority in the Church, doth make void the political power; yet he doth assert, that this Regal Ecclesiastical Authority, must be superior thereunto.

2. But concerning the *Melchisedechian Priesthood*

Priesthood, he did not consider these two Sect. 4. things. 1. That the making the *Supremacy of power*, to be conjunct with the *Priesthood*, doth destroy the *peculiarity of power* challenged by the *Bishop of Rome*, for thence it must be inferred, that they who *equally* partake of *Priesthood* with the *Bishop of Rome*, must have an *equal supreme authority* with him. 2. That one thing which the *Apostle* did most especially insist on, concerning the *Priesthood of Melchisedeck*, is, that the *Priest* or high *Priest* of that *Order*, must not derive or receive his *Priesthood* from any *Predecessor*, nor leave it to any *Successor*, but must abide a *Priest for ever*, through that whole dispensation, under which he is *Priest*, *Heb.* 7. 3, 8, 16, 17, 21, 23, 24, 28. And therefore the *Melchisedechian Priesthood* is no more transferred from *Christ*, to any other person in the *Church*, than his proper *mediatory office* is. And they who say, that this *Priesthood of Christ*, cannot indeed be enjoyed by any as *successor* to him, but only as his *Vicar*, do not so avoid the force of this argument: For it remains certain, that no such pretended *Vicar* can partake of this *Priesthood*, because in him it must be received from a *Predecessor* (*viz.* in that *Vicarship*, and *Priesthood*) and be left to a

Beverl. de
Episc.
Rom.

Q 2

Successor;

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B.1.C.6. *Successor*, which is so highly contrary to the nature of this Priesthood.

Of the Apostolical Mission.

3. When Christ sent his Apostles *as his Father sent him*: 1. These words include a fulness of Ecclesiastical and *spiritual authority*, or the power of the *Keys*, which was given to all the Apostles. 2. But they do not make the Apostles *equal*, in dignity or *dominion*, with Christ himself; in being *Saviour* and *head* of the Church; or *Lord* over, and *Judge* of the quick and the dead. 3. Even Christ himself when he was upon Earth, being as man *under the Law*, was not only obliged to practise the Duties of the *first Table*, and the other *Commandments* of the *second Table*, but even to the observance of the *fifth Commandment* also.

And the Office of the Ministry.

4. And those persons who in general defence of *Ecclesiastical Supremacy* urge, that they who are *Officers of Christ*, and furnished with *his authority*, ought not to be in subjection to *secular rulers*, but superiour to them, to whom Christ's authority is superiour; may consider, 1. That *Parents* and *Husbands* have Authority from God, and from Christ, and yet are under *Kings* and *Princes*. 2. The *superiority* of any Officer of Christ, must not be measured by the *height of Sovereignty*, which Christ himself hath; which would make

and chiefly the Popes Supreme Power. 229

make the *Servant*, even every Deacon Sect. 4. equal with his *Lord* (and by the like pretence, every petty Constable must have equal authority with the King) but by the constitution of his office, and the power thereby conveyed to him. For neither God in governing the World, nor Christ in governing the Church, ever gave to any other an authority equal to what he possesseth. 3. Christ came not to overturn the Government of God his Father in the World, which hath established the supreme temporal power: yea his mediatory Kingdom and administration, is in subjection to the Father, and our Saviours Doctrine yieldeth that authority to Princes, that it earnestly presseth a general and necessary subjection, for Conscience sake, to their Government.

5. And as to what *Baronius* urgeth, The Royal Priesthood. from the *Royal Priesthood*, mentioned by *S. Peter*, 1 *Pet.* 2. 9. it may be observed, 1. That that expression hath not respect to a peculiar *Sacerdotal Office* in the Church, but to the *dignity* of the *Christian Church* in general; as is manifest from the place it self, and acknowledged Salian. an. 2544. n. 347. Estius in loc. by their own Writers. 2. If this Text did express any *peculiar power* in Ecclesiastical Officers, it must have particular respect to those *Eastern Churches*, to whom

B. 1. C. 6. that Epistle was written, 1 Pet. 1. 1. and 3. It is well observed by Bishop *Andrew* that even that *Royal Priesthood*, v. 9. is commanded to be *subject to every ordinance of man*, and to the *King as supreme*, v. 13. as I above observed.

Ch. 4. S.
2. n. 3.

Of the Plea
of expedi-
ency for the
Churches
good.

6. And while some say, it is expedient for the *Churches good*, that the Ecclesiastical Authority should be *superiour* to the *temporal*; otherwise its *welfare and good* is not sufficiently provided for: this Plea might appear more plausible, 1. If there could be no *ignorance*, *heresy*, *pride*, or *ill designs* in any who have the title of *chief Officers* in the Church: which no man can believe, who reads the *Lives of the Popes*, written by their own Authors. 2. If *Kings* and *Princes* must never be expected to be *nursing Fathers* to the Church, and to take care of it. 3. If the great design of Christianity was to take care, that Christians must never follow their Saviour in *bearing the Cross*; and that this Religion did not aim at the promoting true *Faith* and *holiness*, *meekness* and *peace*, but at outward *splendor*, *dominion* and *power* in the *World*, according to that notion the *Jews* had of a *Messias*. And this is not only a *weak*, but a *presumptuous* way of reasoning, to controul and *affront* the Gospel of Christ, and to dare

to

and chiefly the Popes Supreme Power. 231

to tell him, how he ought to have establi- Sect. 4.
shed his Kingdom, to other purposes than
he hath done.

7. And after all this, there is nothing S. Peters
more unreasonable, than for the Church of Authority
Rome, to monopolize unto it self alone, not peculiar
that authority which was committed to to Rome.
S. Peter, and the other Apostles. For it is
not at all to be doubted, but the Apostles
committed a chief presidential and Govern-
ing authority, in their several limits, to Basil. Ep.
other Churches besides the Roman. The 55. Cyp.
ancient Fathers frequently express the Bi- Epist. 69.
shops of the Christian Church in general, Firmil. in
to be the Apostles Successors. S. Cyprian Cyp. Ep.
and Firmilian assert, all Bishops to suc- 75.
ceed the Apostles, even ordinatione vica-
ria, as placed in their stead, and possessed
of that power, which was from them fixed
in the Church. Amongst us, saith S. Hie- Hier. ad
rome, the Bishops do hold the place of the Marcel-
Apostles: and for, or instead of the Apo- lam.
stles are appointed Bishops, saith S. Austin. Aug. in
Tertullian declares, that to his time Cathe- Psal. 44.
dra Apostolorum, the Cathedral Sees pla- Tert. de
ced by the Apostles themselves, did still Praescr. c.
continue their presidency, in the Apostoli- 36.
cal Churches: of which he mentions
many by name, and Rome as one of
them.

8. And as there is no evidence that S.

Q 4

Peter,

B. I. C. 6. *Peter*, who also presided at *Antioch*, left all his authority peculiarly to *Rome*: so there is sufficient evidence that *S. Peter*, who was commanded to feed the Sheep of Christ, did yield this authority to the Elders or Bishops of *Pontus, Galatia, Cappadocia, Asia and Bithynia*, that they should ποιμαίνειν, feed the Flock of God which was among them, 1 Pet. 5. 2. And hereby he either committed that pastoral authority, which he received from Christ, unto the Bishops of those free Churches, of the *Ephesine, Thracian and Pontick Dioceses*, to whom he wrote, and which afterward were placed under the *Patriarch of Constantinople*: or at least he acknowledged this authority in them. And therefore so far as concerneth a divine right, these *Eastern Churches* in the Territories of *Constantinople*, have fully as fair a Plea hereby, for deriving a pastoral authority from *S. Peter*, or having it particularly confirmed by him, as they at *Rome* ever had.

This Realm
not feudat-
ory.
Bellarmine.
In Apol.
pro Resp.
ad Jac. Reg.
c. 3. in Re-
spons. ad
Bel. Ap.
c. 3.

9. But with respect to *England*, divers Romish Writers alledge, that it became feudatory to the See of *Rome*, by *King John's* resigning his Crown to *Pandolphus* the Popes Legate: to which thing objected and misrepresented by *Bellarmino*, divers things are returned in Answer by Bishop

shop Andrews. But waving such particular answers as might be given, I shall chuse to observe in General, that this Case is the same, as if any *seditions persons* or *Usurpers*, should by fraud or force, reduce the King to straits and difficulties; and should then by like methods gain a *promise* from him, that he should be under their *government*, and shall order the affairs of his Realm in compliance with them, and *subjection* to them. Now all such acts are utterly void and wholly unobligatory, because, 1. No just right of *Supremacy* or any part of Royalty, can be gained by possession upon an *unjust title*, against the right owner upon a sure title: this being a parallel Case to a *Thief*, being possessed of an honest mans goods. And therefore though some *Kings of England*, as *Hen. 3.* and *Edw. 1.* did, until they could without danger free themselves, pay to the Pope an *annuus census* of a thousand marks, as appears from the Records of the *Tower* published by Mr *Pryn*; yet this is only an evidence of the *oppressive injuries*, which this Crown sustained, by the *intolerable exactions* of the Pope. 2. No *Sovereign King*, (unless by voluntary relinquishing his whole authority to the next Heir) can transfer his *Royal Supremacy* to any other person whomsoever: partly because the

divine

Addit. to
Hen. 3. an.
10. f. 70.
An. 10
Ed. 1. p.
279. An.
12 Ed. 1.
p. 318.
An. 17 Ed.
1. p. 391.
&c.

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B.1.C.6. divine constitution having placed Supremacy, in the chief secular Governours, God expecteth from them a due care, of *managing* of this power, for the good of his people, and for the advancing his own service and glory: nor can any act of theirs, make the *Duty* which God still requires from them, to become *void*; no more than a *Father* or *Husband* can discharge themselves, from the duties of those Relations, while the Relations themselves continue. Partly also because the constitutions of the Realm, oblige all the *Subjects* thereof, to maintain the Royalties of the Crown; and to perform Faith and true *Allegiance*, not only to the *King* in being, but also to his *Heirs and Successors*. And partly because it is a great and special priviledge of a *free born people*, that they cannot according to the condition of *slaves* have the chief and principal *Dominion* over them, translated from one to another, according to the pleasure of any person whomsoever, though it be their own natural Prince: which is both his and their great security and advantage.

CHAP.

CHAP. VII.

The Romish Bishop hath no right to any Patriarchal Authority, over the Church of England.

SECT. I.

The whole Christian Church was never under the Patriarchal Sees.

I. **T**HE title of *Patriarch*, was not in the beginning of the Church, fixed as peculiar to the Bishops of those Churches, which for many Ages have been so called. This stile was not oft used in the first Centuries, and when it grew into use, was yielded to other famous Bishops, by *Socrates*, who did not preside in any of those Churches, which have been commonly accounted *Patriarchal*. And this title also in an inferiour degree, was of late by *Duarenus* allowed to the Bishop of *Aquileia*, *Canterbury*, and others. The Bishops of *Rome* themselves seem not to have much affected, or used this stile: but they were ordinarily owned to be *Patriarchs*, not only in the Ecclesiastical account,

Of Patriarchal Authority,

Socr. Hist. l. 5. c. 8.

Duaren. de Benef. l. 1. c. 9.

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B.I.C.7. count, but in the *Imperial* law. And as this is a title of *special honour*, given to some Sees; so it enclued an *Ecclesiastical authority*, extended to divers Provinces, and over several *Metropolitans*.

2. Now though the Romish Bishops pretence to an *Universal Sovereignty*, be very vain and unjust; yet if he have but a *patriarchal right*, as some have demanded for him, over all the *Western Churches*, this will entitle him to an *authority* in this *Realm*, which is a member of them. Hereby he would be chief *spiritual Judge*, to receive *appeals* in Causes *Ecclesiastical*, from the *Metropolitcal Jurisdiction*, and to have the highest, constant, and fixed power of *censure* and *absolution*: besides what concerneth the *Consecration* of Archbishops, or *Metropolitans*, by his act or consent, and a chief authority with respect to *Synods*. And though a true *Patriarchal right*, be of the same nature with the *Archiepiscopal*, which ought to acknowledge the supreme *authority* of the Crown, yet if any such authority be placed in any *Foreigner*, it would impair the just dignity of the *Prince*, as I shall hereafter evidence. But that no *foreign Bishop* or *Patriarch*, ought to have any such authority in *this Realm*, will appear manifest, by the proving *three assertions*, which I shall perform in this Chapter.

3. Af-

3. Assert. 1. The ancient Christian Sect.^{1.}
Churches, were never all of them under the Patriarchal Bishops; viz. of Rome, Constantinople, Alexandria, Antioch and Jerusalem. But there were anciently divers free Churches, or Dioceses) which word was severall times of old used, for the larger limits of many Provinces) independent on any superiour Patriarch. For that all the Patriarchates, and other ancient great Dioceses or Eparchies, were only within the limits of the Roman Empire, is manifest, because the extent and bounds of their particular Churches, was ordered and fixed, according to the division of the Imperial Provinces. And therefore besides the greater Armenia, which was a Christian Kingdom and no part of the Empire, in the time of Constantine, and both before and after him; all the Christians who lived under the Barbarous Nations, are reckoned as distinct from the Patriarchal, and other head Dioceses or Churches, by the second General Council.

Many free Churches not anciently under any Patriarch.

Conc. Const. c. 2.

4. And whereas until 450. years after Christ, there were only three Patriarchal Sees erected, at Rome, Alexandria, and Antioch; not only the Churches in the remote parts of Asia, and Africa, and others without the Empire: but those of the

The Pontick, Thracian, and Asian Churches.

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B. I. C. 7. the Pontick, Thracian, and Asian Dio-
 ceses or Eparchies, which were in the
 heart of the Empire, were in Subjection
 to none of those Patriarchs, but were all
 that time *αὐτοῦςκαροι*, governed by them-
 selves, as appears from the second general
 Council. But when the patriarchal li-
 mits, and Authority of the Church
 of Constantinople was established; the
 Churches of those three regions now men-
 tioned, which as Theodoret acquaints us,
 contained twenty eight Provinces, or
 Metropolitical Jurisdictions, were made
 subject to the Bishop of Constantinople,
 by the Authority of the fourth general
 Council. But besides these, there were
 also other particular Churches, free from
 all Patriarchal Jurisdiction, of which I shall
 give some instances.

Conc.
 Const. ib.

Theod.
 Hist. l. 5.
 c. 28.

Conc.
 Chal.
 c. 28.

The Cyprian
 Church.

Conc.
 Eph. c. 8.

5. The Province of Cyprus in the Ea-
 stern Church, when the Patriarch of An-
 tioch claimed a superiority over it, and
 a right of ordaining therein, had its liberty
 and freedom defended, and secured a-
 gainst him, by the third General Council.
 Indeed this Canon of the Council of Ephe-
 sus did chiefly provide, that no Cyprian
 Bishops should receive their ordination,
 from the Bishop of Antioch, or from any
 other than the Bishops of their own Island.
 Yet to put a stop to those evasions which
 some

Some have endeavoured to make, in this Sect. 1.
Case, as if in other things besides Ordina-
tion, they might be *subject* to the Bishop
of *Antioch*, he who duly weigheth this
Canon will discern, that it plainly enough
condemns the attempt of the Bishop of
Antioch, as an invading *ἐμπλαγνέειν*,
another distinct Eparchy or Province, which
was not heretofore and from the beginning
under the authority of him, or of those who
did precede him. And when the sixth
General Council did confirm this Canon
of *Ephesus*, concerning the Liberties of the
Cyprian Churches, they do own the pri-
vileges, given to the Metropolitan of
Cyprus in his Territories, to be equal to
those, which the Bishop of *Constantinople*
enjoyeth in his. To which may be ad-
ded, that in the Synod of *Antioch*, in the
Reign of *Constantius*, among the several
Provinces belonging to that Patriarch,
which therein assembled, there is no men-
tion at all of *Cyprus*.

Conc. in
Trul. c. 39.

6. Also the *West African Churches*, tak-
ing in all *Numbidia*, *Mauritania*, and the
other ample Territories of the *Carthagi-
nian Jurisdiction*, were never under any
of the Patriarchs. These limits were ne-
ver claimed to any of the *Eastern Patriar-
chats*, and are sufficiently excluded from
thence, by the Canons of *Nice*, *Constan-
tinople*,

The African
Churches.

Nic. Conc.
c. 6.

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B.1.C.7. *tinople*, and *Chalcedon*, which fix the
 Const. c.2. bounds of those Churches. But when the
 Chalc. c.
 28.

Bishop of Rome claimed a power, to receive appeals from those Churches, in the case of an *African Presbyter*, who was therein censured; and pretended a *Canon* of the Council of *Nice*, to give him that authority: the *African Fathers*, after they had diligently sought for the most perfect Copies of the *Nicene Canons*, from *Constantinople*, *Alexandria*, and *Antioch*, besides what they had before in *Latine*, did detect the *fraud*, and *falsehood* of the claim of the *Bishop of Rome*, and rejected his demand. To this purpose the sum of their proceedings may be viewed, not only in particular Writers, but also in the *Greek Copy* of the *African Code*, which was received in the sixth general Council, partly in the beginning, and partly in the conclusion thereof.

7. But whereas it is pretended by several *Romish Writers*; that these *African Fathers* did in the end of this contest, yield this authority to the *Bishop of Rome*; even this is very far from truth. Indeed they were resolved to submit, if there was any *Canon* of *Nice* which enjoined that *submission*: but after this demand concerning appeals, was made by *Pope Zosimus*, and canvassed in the time of his Successor

Successor *Bonifacius*, the African Fathers Seft. I.
 write to *Cælestin* who succeeded him, both Ad finem
asserting their own liberty of Governing Conc.
 their own Church, and requiring him not Carth. Gr.
 to receive any into *Communion*, whom
 they had *rejected* from it. And whereas in
 the beginning of this contest with *Zosimus*,
 there was a Canon made in the Council of
Milevis, declaring, that those who should Conc. Mi-
make appeals beyond the Seas, (or to lev. 2. Cañ.
Rome) should be incapable of being re- 22.
ceived into Communion, by any in *Afri-* Cod Afric.
ca: after this dispute was more fully de- c. 27.
 bated and considered; they were so far
 from *retracting* this Canon, that they cau-
 sed it to be put into the African, or Car-
 thaginian Code, which was compiled and Conc.
confirmed, about the end of this disquisi- Carth. gr.
 tion, and therein this Canon remains as a c. 31.
standing rule.

8. But because it hath been observed Zonar. in
 by *Zonaras*, and by very many since, that Conc.
 what the Bishop of *Rome* *falsly* urged as a Sard. c. 5.
 Canon of *Nice*, was to be found among
 the Canons of *Sardica*: concerning that
 I shall note two things. First, That he who Of the Ca-
 considers, that *Zosimus* would herein have non of Sar-
falsified the Council of *Nice*; that neither dica.
 he nor they who managed this contest un-
 der him, or after him, did urge the autho-
 rity of the Council of *Sardica*, to those

R African

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B.1.C.7. African Bishops; and that those Bishops after all their enquiry, did declare to the Bishop of *Rome*, that they had never read in any *Synod of the Fathers*, that any such authority was granted to him; may be apt to suspect, that possibly there hath been no very *fair dealing* about this Council of *Sardica*; or at least must conclude, that they at *Rome* were sensible, that *Africa* was not *subject* to the authority of that Council.

Epist ad
Coelestin.
ubi sup.

Cham.
Tom. 2. l.
13. c. 7.
Marc. de
Conc. l. 7.
c. 3. n. 6.

9. Secondly, That in this Council of *Sardica*, as *Chamier* observed, and *P. de Marca* owneth, here were no proper *appeals* to *Rome* asserted, that the case under complaint might be there *determined*: but only that the Bishop of *Rome* might order a *revising* of the *sentence*, which had been pronounced against any Bishop, upon his application to him. And the *state of the Church*, and the occasion of this

Socr. l. 2.
c. 5, 6, 7,
16, 18.
Sozom. l.
3. c. 5, 10,
11.

Constitution was this. *Arianisme* greatly prevailing in the East, the *Arian* Bishops there *sentenced*, and *deposed* divers *Catholick* Bishops, as particularly they had done to *Athanasius* in a *Synod of anti-och*, who yet was received at *Sardica*. Now that the faith of *Nice* might not by such methods be *suppressed*, and the *Communion* of the *Catholick Church* be thereby *confounded*; the *Orthodox Bishops* at *Sardica*,

Sardica, who thought themselves not Sect. 1.
bound to *disclaim Communion* with all
whom the *Arian Heretical Bishops* should
reject, allowed the Bishop who had been
censured, a liberty to have his Case re-ex-
amined. And they committed this as a
trust to the Bishop of *Rome*, for the pre-
serving the *Catholick Communion*, that
he should appoint Bishops about that *Pro-
vince*, sending others also to join with
them, to judge of that Case: which trust
the succeeding Bishops of *Rome* made ill
use of, for the inordinate advancement of
that See. But this Canon gave not the
Bishop of *Rome* an *Universal superiority*,
in the right of his Church; but dealt with
him, as the second General Council did
with several eminent Bishops of the Eastern
Churches, who were appointed as *Capita
communions*, that the rest of the Church
might communicate with them, with whom
they held Communion. Nor could the
Western Bishops convey any authority over
the *Eastern Church*, which was here chiefly
concerned.

Sozom. l.
7. c. 9.
Marca de
Conc. l. 1.
c. 3. n. 9.

10. Now as these *Cyprian* and *African*
Churches, as well as those in these Islands,
had an *Independent Ecclesiastical autho-
rity*, of the same nature with the *Patriar-
chal*, but not honoured with that title;
so I might discourse further of other some-

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B. 1. C. 7. what like instances, both in the *East* and the *West*: but I think that would be needless, especially because the *Patriarchal bounds*, and the *limits* of other *free Churches*, ought not now to be fixed in all places, upon the same terms, on which they stood in the ancient Church, as I shall evidence in my third assertion. And therefore I shall omit the considering the Church of *Bulgaria*, and of the *Asian Iberia* which by *Balsamon* are owned to have been in his time *αὐτοκέφαλοι*, the former according to the Constitution of *Justinian*; and the latter by a Synod of *Antioch*, appointing that that Church which was before under the Patriarch of *Antioch*, should be *free and head of it self*.

Bals. in
Conc.
Const. c. 2.
Novel.
131.

11. And concerning the *Western Church*, it may be observed, that whereas a prime *Patriarchal right* is expressed by the Council of *Chalcedon*, (and the same may be collected from the Council of *Ephesus*, in the place above-mentioned, concerning the *Cyprian Church*) to be this; that the *Metropolitans* under him, who have liberty to *ordain* the Bishops of their Provinces, should be *ordained* by the *Patriarch*: it is no difficulty to prove, and is granted by *P. de Marca*, that the chief part of the *Western Church*, even all out of the *Urbicarian Diocese*, which took in
only

Conc.
Chalc.
c. 28.

Ubi sup.
h. 1. c. 7.

only some part of *Italy*, did never thus Sect. 1.
 anciently depend on the Bishop of Rome
 for Ordination.

12. And touching the *Eastern Church*, the
 limits of the Patriarchate of *Constantinople*,
 have been above observed. The territories
 of *Alexandria* were by the Council of *Nice*
 declared to be *Egypt*, *Libya*, and *Pentapolis*. Conc. Nic.
Antioch had once under it *Cælosyria*, *Phæ-* Can. 6.
nicia, *Palestine*, *Arabia*, *Mesopotamia*, V. Præf.
Cilicia and *Isauria*; but when the Church ad Conc.
 of *Jerusalem* was made Patriarchal, it was Antioch.
 agreed in the Council of *Chalcedon*, that Conc.
 all the three *Palestines* should be reserved Chalc. Ac-
 to its Jurisdiction. tion. 7.

13. And such few expressions in some
 ancient Authors, as speak of the Bishop of
 Rome presiding in the *West*, or being the
 Patriarch of the *West*, are not sufficient to
 prove the whole *Western Church*, to have
 been subject to him, but only some part Conc.
 thereof. For the Bishop of *Antioch* is oft Const. c. 2.
 said, both by Councils, and other Writers, Conc.
 to govern the *East*; and yet the whole Chalc.
Eastern Church as distinguished from the Act. 1.
Western, never was under his Jurisdiction. Hieron.
 Ep 61.
 c. 15

SECT. II.

No Patriarch ever had any just claim of Patriarchal Authority in this Island.

1. The second Assertion, which I shall make good, is, that the Churches of this Island had that *ancient liberty* and freedom, that no *Patriarch* had any just claim of *Patriarchal authority* over them. The *Eastern Patriarchs* never pretended to any nor had the *Romish Bishop* any right to challenge it.

Britain received
Christianity before
Rome.

Bar. An.
35. n. 5.

Antiq.
Brit. p. 1,
2, 3.
Mafon. de
Min. Angl.
l. 2. c. 2.
Uffer. de
Prim. Ec.
Br.

2. For since this Island *received Christianity*, some years before any Church was founded at *Rome*, it could not then have any dependance upon the Church of *Rome*. Besides what many other Writers express, concerning *Joseph of Arimathea*, preaching the Gospel here; even *Baronius* from a Manuscript in the *Vatican*, gives a relation of his coming into *France*, and thence into *England*, upon the dispersion after the death of *S. Steven*; and this must be divers years before *S. Peters* coming to *Rome*. And there want not Authors to assert, that *S. Simon*, *S. Philip*, and other Apostles and Apostolical men, did declare the Doctrine of Christ in this Island, as hath been observed by those, who purposely

posely give us an account of the original Sect. 2. of Christianity here. But concerning the early conversion of the Britans, it will be sufficient to observe the testimony of Gildas, who was himself a Britan, who tells us, that here the Precepts of Christ were made known, *tempore ut scimus summo Tiberii Caesaris; in the latter end of the reign of Tiberius Caesar.* Now the second year of Claudius, when according to the general account S. Peter first preached Christianity at Rome, must be about five years after the death of Tiberius: Caligula wanting but little more than a month of four years. Wherefore with respect to the first planting of the Church, one Sister Church cannot claim superiority over another, especially not over the Elder.

Gild. de
Excid.
Brit.

Baron. Ann.
44. n. 25.

3. Nor were there ever any Canons of the ancient Church, which subjected these Realms to the See of Rome: but the fixed rights of the free Churches were secured in the three first general Councils, in those Canons I have above mentioned. And the Council of Ephesus is very zealous, against the invaders of these priviledges, as being a thing in which the liberties of all Churches are concerned, and by which the intent of the Sacerdotal function is perverted.

Conc. Nic.
c. 6.
Const. c. 2.
Eph. c. 8.

R 4

4. That

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B. 1. C. 7. 4. That these Churches did preserve and retain their *liberties*, until the time that *Austin* the Monk came into *England*, is manifest, in that both in the *Southern* and *Northern* parts of this *Island* (as also in *Ireland*) they celebrated *Easter*, and observed some other rites, differently from the Rules and Canons of the other *Western Churches*, and particularly of the *Roman*; and therefore were not governed by them. Indeed they celebrated *Easter* upon the *Lords day*, as was noted by the Emperour *Constantine*, at the time of the Council of *Nice*: but they fixed on this day by a different rule, from that of other Churches. And when *Austin* required them, to submit themselves to the *Romish Church*, and to change these their *different rites*, they would not hearken to him therein, but both *Britans* and *Scots* long observed their former usages; and some of their *Clergy* and *Monks* who lived within the *English* limits, and *Colman* Bishop of the *Northumbrians*, rather left their places, than they would forsake the *customs* of their own Church. Yea they *disowned Communion* with him, as invading the *Liberties* of their Churches, and the *Scotch Bishops* would not so much as eat in the House where *Austins* company was, as is related in a Letter of *Laurentius*, who succeeded *Austin*

Britannick
liberty pre-
served till
Austin the
Monk.
Bed. Eccl.
Hist. l. 2.
c. 4.

Euseb. de
Vit. Const.
l. 3. c. 18.
Bed. Hist.
Eccl. Ang.
l. 2. c. 2. &
l. 3. c. 4.

Bedæ Hist.
Eccl. l. 5
c. 20. & l.
3. c. 26.
Bishop
Sportsw.
Hist. of Sc.
l. 1. p. 18.

stin at Canterbury, recorded in *H. Hun-* Sect. 2.
tingdon. And the plain Declaration of ^{H Hun-}
the Abbot and Monks of Bangor, who ^{tingd. Hist.}
were the most eminent Society of the Bri- 1. 3.
tish Church, consisting of thousands, did
fully *disclaim*, and *protest* against all
right of subjection to the Bishop of Rome,
as is expressed in their *protestation* made
to *Austin*, and exhibited in the British
tongue by Sir *Hen. Spelman*, wherein they ^{Spelm.}
own no *subjection* to any, above their own ^{Conc. Vol.}
Archbishop, as a superiour Ecclesiastical 1. p. 108,
Officer. 109.

5. Nor did the Bishop of Rome gain any ^{This Realm}
just right of Patriarchal Authority over ^{not made}
this Realm, after the coming of *Austin* into ^{subject to}
England: and all that can be pretended to ^{Rome by}
that purpose is, either by pleading that the ^{the Conver-}
English were *converted* by *Austin*, who was ^{sion of the}
sent hither by Pope Gregory; or that there ^{Saxons.}
was a great honour, *respect*, and *subjection*,
for many years yielded to the Bishop of
Rome in this Island. Both these pretences
I shall examine.

6. Now it is acknowledged, that this
Austin was instrumental for the *convert-*
ing very many of the Saxons to Christi-
anity. Yet here I observe three things.
1. That they who convert *Foreign Na-*
tions, do not thereby make those Nations
and Churches, to be *perpetually subject* to
those

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B.1.C.7. those Foreign Churches, from whence they came. For this would make Christianity to enclude a *servitude* in the profession of it, and worldly *Dominion* in the preaching it. Had this been a rule in the Primitive Times, this *Island* and a great part of the Christian Church all over the World, must have yielded *subjection* to the Bishop of *Jerusalem*, many Cities and Regions being first *instructed* in the Christian Doctrine, and *converted* thereto, by the dispersed Members of that Church; and amongst others *Antioch* it self, *Act.* 11. 19, 22, 26. and even *Rome* also was *partaker* of their *spiritual things*, *Rom.* 15. 27. And yet these Christians being made subject to *Christ*, and not to *Jerusalem*; the Bishop of *Jerusalem* for some hundred years, was no *Patriarch*, even till the Council of *Chalcedon*; nor *Metropolitan*, but was under the Bishop of *Cæsarea*: only he had a peculiar *honour* reserved to him by the Council of *Nice*. And if this had been a rule for later times, then *Frisia*, *Zeland*, and other *Belgick Provinces*, must have been subject to the Church of *England*, since under God they owed their *Conversion* to *Wilfrid* an English Bishop. Indeed some *Cannons* have given Bishops Authority, to govern such places as they should convert: but

Hieron.
Ep. 61.
n. 15.
Conc. Nic.
c. 7.

Bed. Hist.
l. 5. c. 20.

Conc.
Carth. gr.
c. 103,
120, 121.

but this tended only to give those persons, Sect. 2.
the deserved honour, of being the *Bishops*
of those places which they had reduced
from *Heresy* or *infidelity*, where any other
had not a previous right thereto; but not
to make that Church or Kingdom *subject*
to a remote *Foreign Sovereignty*. All
that could be hence inferred is, that it was
reasonable that *Austin* should be *Bishop* in
England, but not that *Gregory* should be
Patriarch over it; though he also deser-
ved to be greatly *honoured*, for being so
instrumental to the *Conversion* of the
English.

7. I observe, Secondly, That when *Austin*
came into this Island, it was inhabited
by four distinct sorts of Nations or peo-
ple, the *Britans*, the *Scots*, the *Picts*, and
the *English* (with which, without being
curious about words, I include also the
Saxons, and *others* who accompanied
them out of *Germany*). That the *Britans*
were ancient Christians, before the coming
of *Austin*, needeth no further proof. And
such were also the *Scots*, over whom *Pal-*
ladine was as eminent Bishop, almost two
hundred years before *Austin*. The *Picts*,
also in their *Northern quarters*, towards
forty years before the coming of *Austin*,
were converted by *Columba* or *Columba-*
nus, who came out of *Ireland*; and the
Southern

Bed. Hist.

l. 1. c. 12.

Bed. Hist.

l. 2. c. 4.

Chronol.

Sax.

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B.1.C 7. *Southern Picts* before that time by *Ninian* a *British Bishop*. Now what pretence can be made, that they who converted or presided in the three former Nations, should neither have an authority over the whole Island, nor a liberty left to govern themselves; and yet the conversion of the last should swallow up the liberties of all the former three, and convey a *Partiarchal* right over the whole Island; yea though this last Nation or people, were possessors of those limits, which were within the ancient *British Dioceses*.

8. I observe, Thirdly, That the conversion of the *English and Saxons* was not performed only by *Austin* or his *Successors*, or any other appointed by him, or sent from *Rome*; but a very considerable part of this work was effected by other persons, who observed the rites of the *British Church*. Amongst many things worthy observation, the Kingdom of the *Northumbrians*, after defection from Christianity which *Paulinus* taught them, were instructed therein and converted, by *Aidanus* a *Scotchman*, who observed the ancient Rites of that Church, and was made *Bishop* among the *Northumbrians*, of whom it is related, that in seven days he converted and baptized fifteen thousand. The *Mercians* also, and *Middle-Angles*, received

Bed. Hist.
l. 3. c. 1, 3.

Spotsw.
Hist. l. 1.
p. 14.

to any Patriarchal Power of Rome. 1253

received their Conversion by *Finanus* a Sect. 2. Scotchman, who was Successor to *Aidanus* in his Bishoprick among the *Northumbrians*; and is observed by *Beda*, to have been a strict opposer of the introduced Romish Rites. And this good work was carried on by others, of the ancient *British* and *Scotch Church*. Bed. Hist. l. 3. c. 21, 25.

9. And *Finanus* above-mentioned, did baptize *Sigbercht*, King of the *East-Saxons*, and others of his company, who were converted to Christianity, among the *Northumbrians*. After which *Cedda* and another Presbyter of the *Middle-Angles*, was sent for, to instruct the Kingdom of the *East-Saxons* in the Christian Faith, and by them they were converted, after the defection of that Kingdom from their formerly professed Christianity. And this *Cedda* was made Bishop of the *East-Saxons* by *Finanus*, and two other Bishops with him; and at that time observed the ancient *British* Rites; but after the death of *Finanus*, when *Colman* *Finanus* his Successor, deserted his Bishoprick among the *Northumbrians*, and went into *Scotland*, rather than he would relinquish the ancient practices and usage of his Church, *Cedda* was then brought over, to comply with the Rites brought in by *Austin*. All which will evidence, that what was done by Bed. Ibid. c. 22. Ibid. c. 26.

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B. I. C. 7. by *Austin*, could not bring *England* into a *Subjection* to the *Bishop of Rome* unless he admit divers *equals*, and *rivals* in his claim. And a reflection upon what hath been now observed will evidence, that to found a constant Ecclesiastical *superiority* and *subjection* upon such pretences as these, would bring in an unavoidable *confusion* into the Church; and it would have *overthrown* all the ancient *Patriarchates*, in which no such rule was observed.

Not by the
power the
Pope once
here exerci-
sed.

10. I shall now consider that *subjection*, which was *yielded* to the *Bishop of Rome* in this Island. And it is acknowledged, that the *Roman Bishop* was for many years highly *esteemed* in this Realm, and consulted with, and many things after the Conquest, were *decided* by his determination. And also that he did receive great *summs* of *Money* from hence, not only from the *Clergy*, in *disms*, *first-fruits*, and other payments, but also *Peter-pence* were paid by the *Laity* also; not as a *tributary acknowledgment* of the *Subjection* of the Realm, as some *Romanists* would have it; but this was granted as an *Eleemosynary pension*, for maintaining an *English School* at *Rome*. And it must also be acknowledged, that the *Pope* did sometimes since the Conquest, exercise a *great authority* here, disposing

Spelm.
Conc. Vol.
1. p. 794.

disposing frequently by his *provision* of spi- Sect. 2.
ritual preferments, confirming or nulling
the Election of *Metropolitans*, and some
other Bishops, and *receiving Appeals*. And
in those days, there are some instances in
our Records, that the *Kings Writ* against
persons excommunicated by the Archbi-
shop, was sometimes *superseded*, upon their
alleging, that they prosecuted *appeals* to
the Apostolical See.

Pryn in
Edward 1:
an. 30. p.
985, 986,
& an. 32.
p. 1040.

II. But this *submission* in different per-
sons, had not always the same principle;
being sometimes *yielded* out of an high
measure of *voluntary respect* and kindness;
and sometimes more was given to the Pope,
than otherwise would have been, because
the circumstances of Princes oft made their
courting the Popes favour, in former times,
to be thought by them to be a piece of
needful *policy*. And much also was done,
from the *superstition* and misapprehension
of those Ages, in many persons, who sup-
posed him to have that right of *govern-*
ing these Churches, as *S. Peters successor*,
which he is now sufficiently evidenced not
to have had. Now what is done out of
courtesy and by *leave*, or out of some
emergent *necessity*, may at other times be
otherwise ordered; and no Christians are
obliged to continue in practising upon *su-*
perstitious mistakes, more than they are
obliged

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B.1.C.7. obliged to live in error and superstition. And mere *possession* upon an unjust claim, can give no good *title* to the Government of a Church; but when the injustice thereof is made manifest, it may be *rejected* and *abolished*: as the ancient *Canons*, especially that Canon of the Council of *Ephesus*, which speaks particularly of the *Patriarchal Authority*, enjoin, that no Bishop shall *invade* any Church, which was not from the beginning under his *Predecessor*, and if he should *compel* it to be under him, he must *restore its Jurisdiction* again.

Conc.
Eph. c. 8.

12. Yet that exercise and *possession* of *authority*, which the Pope here enjoyed, was not so constant and *undisturbed*, but that it was many times by the *Kings* and *States* of the Realm, and even by the *Bishops* at some times, complained of and opposed, as *injurious*; and the true *rights* and *liberties* of this Church and Kingdom, were oft *demanded* and insisted upon. Of which, among very many instances, I shall take notice of so many, as are sufficient. Before the *Conquest*, I find not that the Pope exercised, or claimed any *governing authority*, distinct from counsel and advice, in this Realm; and therefore there was no need of any *opposition* to be made against it. Indeed when *Wilfrid*

frid Bishop of York, who was twice cen- Sect. 2.
 fured in England, did both times make G. Malmf.
 his application to Rome; his Case was there bur. de
 heard and considered in a Synod (and such Gestis Pont.
 examination and consideration of the Case tific. l. 3.
 even of the Bishop of Rome, as Cornelius f. 130.
 and others, was sometimes had in other
 ancient Churches.) But for the decision of
 the Case, the Pope requires it, either to
 be ended by an English Council, or to be
 determined by a more General Council.
 And when Wilfrid at his first return from
 Rome brings the Popes Letters in favour
 of him, King Egfrid put him in Prison:
 and at his second return from Rome, King lb. f. 132.
 Alfrid, who succeeded Egfrid in the
 Kingdom, a Prince highly commended for
 his piety, learning and valour, declared
 that it was against all reason to communi-
 cate with a man who had been twice com-
 demned by English Councils, notwithstan-
 ding any Writing whatsoever from the
 Pope. Nor were these things only sudden
 words, but when the Pope had done all he
 could, Wilfrid was not thereby restored;
 or as Malmbsuriensis expresseth it, non Malm. de
 tamen rem obtinuit. After the Conquest gest. Pont.
 it was declared by W. Rufus, to be a cus- l. 1. init. f.
 tom of the Kingdom, which had been 111.
 established in the reign of his Father, that lb. f. 124.
 no Pope should be appealed unto, without
 S the

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B.1.C.7. *the Kings Licence; consuetudo regni mei est, à patre meo instituta, ut nullus præter licentiam regis appelletur Papa.* And Anselme acquainted the Pope that this King William the Second, would not have the Bishop of Rome received or appealed unto in England, without his command. Nor would he allow Anselme then Archbishop of Canterbury, to send Letters to him, or receive any from him, or to obey his Decrees. He further tells the Pope, that the generality of the Kingdom, and even the Bishops of his own Province, sided with the King; and that when Anselme asked the Kings leave to go to Rome, he was highly offended at this request, and required that no such leave be afterward asked, and that he appeal not to the Apostolical See; and that when Anselme went to Rome without his leave, he seized the Revenue of his Bishoprick. And amongst the liberties and customs sworn to at the Parliament at Clarendon, one was against appeals to Rome, and receiving Decrees from thence.

M. Paris.
in Henr. 2.
an. 1164.

Ex.lib. Afs.
fif. Lord
Cokes Re-
ports in
Cawdreys
Case.

13. In the Reign of King Edward the First, a subject of this Realm brought a Bull of Excommunication against another subject from Rome, and this was adjudged Treason by the Common law of England; and divers other instances are brought by
Sir

Sir Edward Coke, wherein the *Excommunication* and *Absolution* of the Pope or his Legate, was declared *null* or *invalid*. And much of the *usurped power*, which the Pope here practised and claimed, was rejected as a great grievance, in the Statute of *Provisors*, concerning his making *provision* for, and collating to *Dignities* and *Benefices*, against the method of free Elections; and they who should apply themselves to *Rome* for this purpose, became thereby liable to severe penalties. And *appeals* to *Rome* in certain Cases, and the procuring thereupon *Processes*, *Bulls*, and *Excommunications* from thence, was by the Parliament in the Reign of King Richard the Second, taxed and complained of, as that which did apparently hinder the *determining causes*, and the effectual execution of *justice* in *England*, and tended to the destruction of the *Kings Sovereignty Crown and Regality*. And all those who should bring from *Rome*, such *Processes*, *Excommunications*, *Bulls*, or other Instruments; both themselves and all their *Fautors*, were then by the Statute of *Premunire*, put out of the Kings Protection, their *Lands* and *Goods* forfeited, and their *Bodies* to be attached. And this Statute continued in force, and unrepealed (as that former also) notwithstanding all the en-

Sect. 2.

Prva in

Edw. 1.

An. 20.

P. 454.

An. 25.

Edw. 3.

16 Ric.

2. 5.

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B. I. C. 7. *deavours of the Pope and his Adherents, even an hundred and fifty years before the Protestant Reformation. And this is sufficient to shew, that the Popes usurped power, was not so quietly and freely submitted to in this Realm, as thereby to give him any right to govern here.*

SECT. III.

The present Jurisdiction of those Churches which have been called Patriarchal, ought not to be determined by the ancient bounds of their Patriarchates.

*The bounds
of Patriar-
chal Au-
thority
altered.*

I. The third Assertion is, That the *Patriarchal rights*, especially those of *Rome*, do not now stand on the same terms, as they did in the *ancient Church*; nor can the present *Roman Bishop* claim *subjection* in all those limits; which of right were under the ancient and Catholick *Bishops of Rome*. No man can reasonably think, that the bounds of the *Patriarchal Sees* were unalterable, unless they had been of a *divine* or *Apostolical Authority*. But that they were never looked upon as such, in the Catholick Church, may besides other testimonies appear, in that the General Councils undertook to *erect Patriarchates*, and to *divide* the limits of others,

as

as they saw cause. Thus the *dignity* and Sect. 3.
honour of a *Patriarch* was given to Corc.
the Bishop of *Constantinople*, in the second Const. c. 3
General Council, and his *Patriarchal limits* and Jurisdiction were fixed in the
fourth : and in the same, the Patriarchate
of *Antioch* was divided , and part there-
of allotted to the Bishop of *Jerusalem*, who
then received *Patriarchal limits* and Ju-
risdiction. But I shall only consider four Conc.
things , which may so alter the state of Chal-
Patriarchal Jurisdictions , that every one Act. 7.
of them, besides what is abovesaid , is a
bar against all claim of *authority* in the
Bishop of Rome , to these Churches and
Realms.

2. First from the *different Territories*, I. From
and Dominions of *Sovereign Kings* and the diffe-
Princes. For the doctrine and design of rent bounds
Christianity, did not intend to undermine of free
and enervate , but to establish and secure Kingdoms.
the *right of Kings* : and no rule of the
Christian Religion requires *free King-*
doms , to divest themselves of sufficient
means to preserve their own *security* and
peace , and the necessary administration of
justice. Nor can the former acts of any
Councils or *Bishops*, wheresoever any such
were , give away the rights of *Kings* and
Realms. But a *Foreign Bishop*, who is un-
der no *Allegiance* to this Crown , and

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B. I. C. 7. hath no particular obligation to seek the good of this Kingdom, may probably oft incline to designs, either of his own *Ambition*, or the interests of *other Princes*, against the true welfare of this Realm, as hath sufficiently been done in the *Court of Rome*. And if such an one hath power, to *cite* before him any person whomsoever of this Realm, either to his *Patriarchal Seat*, or his *Legate*; and hath then authority without all redress or appeal (save to an *Oecumenical Council*, which probably will never be had) to *inflict* so severe a sentence as *Excommunication* truly is; he would hereby have a considerable awe and curb, upon many of the Subjects of the Realm, that they would be wary of opposing or provoking him. And if *Canonical obedience* were due to him from all the Clergy, and *filial reverence* from the laity; such a person being the King's Enemy, may have greater opportunity of indirect managing his *ill projects*, than is consistent with the safety of the *Realm*, or with the innocency and goodness of the *Christian Religion* to promote.

3. The exercise of a *foreign authority*, when managed by haughty and ambitious spirits, hath been of such ill consequence to *Kings and Emperours*, that King *John* was forced upon *his knees* to *surrender his Crown*

Mischiefs
from Fo-
reign Ju-
risdiction.

to any Patriarchal Power of Rome. 263

Crown to the Popes Legate; Henry the Sect. 3.

Third Emperour of Germany, was compelled to stand at the Popes Gate *barefoot* Mart. Polon. in Greg Sept. p. 361.
several dayes in frost and snow to beg for

absolution; and Frederick the First to submit to Pope Alexander, treading upon his neck. And other instances there are of like nature, of the despising Dominions and Dignities, being the effects of *Interdicts* and *Romish Excommunications*.

Towards the whole Kingdom, it becomes a method of *exhausting its treasure*, by St. 25 Hen. 8. 21.

tedious and expensive prosecution of appeals, and many other ways, which were not without cause publickly complained of in this Kingdom; insomuch that the yearly revenue of the Court of Rome, out of this Kingdom, was in the time of Henry the Third, found to be greater, than the revenue of the King. And it is an high Antiq. Brit. P. 178.

derogation from the Sovereignty of a King, as well as a prejudice to the subjects, where justice cannot be effectually administered, and Cases of right determined, by any authority within his own Dominions. And with respect to the Clergy Prym An. 24, & 25 Edm 1. p. 689, &c.

the Foreign Jurisdiction sometimes brought them into great straits; as did that Bull of Boniface the Eighth, which put them to avoid his Excommunication, upon *contesting* with the King, and thereby brought

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B. 1. C. 7. them under the Kings displeasure, and into very great *grievances*, as appears from the Records of that time.

4. And as upon these accounts it appears reasonable and necessary, that the Dominions of *Sovereign Princes*, should be free from any Foreign Ecclesiastical superiority: so there are many things which may be observed to this purpose, in the ancient state of the Church. The Government of *Dioceses*, *Provinces*, and *Patriarchates*, hath been acknowledged to have been ordered within the Empire, and according to the distinct limits of the *Provinces* thereof. The Sees of *Rome* and *Constantinople*, enjoyed the greatest Ecclesiastical privileges, because they were the *Imperial Cities*. The Canons also of Oecumenical Councils enjoined, that if any City receive new *priviledges* of honour, by the *Imperial authority*, the Ecclesiastical Constitutions for the honour of its See, shall be regulated thereby. And whereas the *Slavonian Churches* were first Converted to *Christianity*, by them who were of the Eastern or *Greek Church*, and embraced their Rites; when *Bohemia* and some other branches of the *Slavonian Nations*, were made members of the *German Empire*, they thereupon became subject to the Government of the *Western Church*. Thus also

Conc.
Const. c. 3.
Chalc. c.
28:
Conc.
Chalc. c.
17.
Trul. c. 38.

also when the Bishop of *Arles* had an eminent authority, in the ancient *Gallia*; upon that City being divided from those Dominions, and becoming *subject* to the *Goths*, who then commanded *Italy and Spain*, he exercised no longer any *Jurisdiction* there, but had his authority changed, to be *Delegate* over the *Spanish Territories*: but when this City was again reduced to the *French Government*, he no longer exercised his authority in the Dominions of *Spain*.

5. Yet it must be acknowledged, that in practice the Dominions of several *Sovereign Princes*, have been subject to a *Foreign Patriarch*, which was not their duty. But this was undertaken, either upon presumption, that because of the excellency and simplicity of the *Christian Religion*, there could be no fear of prejudice, from its *Ecclesiastical Governours*; or else because those *Princes* did not sufficiently understand, or thought it not advisable to claim and exercise their own right of *Sovereignty*, even in *Ecclesiastical matters*. And it must also be granted, that if any part of the *Roman Provinces*, and consequently of the *Christian Churches* therein, were by *Wars* brought under the power of *Barbarous Nations*, the *Canons* required that their *Ecclesiastical Government* should

Sect. 3.
Comen.
Hist. n. 18.
P. de Marc.
de Conc. l.
6. c. 18. n.
3. & c. 19.
n. 6.

Conc.
Chalc.
c. 28.

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B.1.C.7. Should be ordered, as it was before. But this was not so much a *claiming dominion* over them, by their former Patriarch; as his exercising *Christian Charity* towards them, in *assisting* those afflicted parts of the Church.

6. But it may possibly be objected, that if every Sovereign Princes Dominions may *claim a freedom* from Foreign Ecclesiastical Supremacy, how shall Christian Unity be preserved? *Ans.* In the same manner as in the Primitive times, wherein whilst many of the *Nations of Europe* had not yet embraced Christianity, there were within the Empire many *head* and independent Churches, as I have above manifested. But the *Christian Unity* did then consist, partly in their *embracing* the same Faith, and giving the same *worship* to God, as the Fathers at *Sardica* declared; partly in their *holding communion* with, and receiving one another in all parts of the World as *Brethren*, which is by *Tertullian* discoursing hereof, expressed by *communicatio pacis*, *appellatio fraternitatis*, *concesseratio hospitalitatis*; and partly also in that as need required, they held *correspondence* with each other, and in chief matters of order and Government, they observed the same *Canonical Rules*, and after the first *Oecumenical Councils*, they

Theod.
Hist. l. 3.
c. 8.

De Præscr.
c. 20.

they generally *submitted* to their *Canons*. Sect. 3.
 And they constantly acknowledged all acts
 of Government, in the true *Catholick* Of-
 ficers of a particular Church, in *receiving*
 or *rejecting* members, to be of force in the
 whole *Catholick* Church: wherein no ex-
 communicated person would be *received* in
 any part of it, nor any suspected persons
 without *dimissory* or *commendatory*, Let-
 ters. And they also owned all *dividing*
 from, or *communicating* with a particular
 Church, to have respect to the whole *Ca-*
tholick Church, of which that particular
 was a member; because as *S. Cyprian* de-
 clares, *Episcopatus unus est, cuius à singulis*
in solidum pars tenetur.

Can. Ap.
 12. Nic. 3.
 Chalc. 13.
 Antioch.
 6, 7.

Cyp. de
 Unit. Ec-
 cles.

7. Secondly, The right of Patriarchal
 claim is altered from what it once was, by
 the Romish Bishops *abusing* and *pervert-*
ing the pretence of *Apostolical* authority,
 and challenging such an *Universal* *Supre-*
macy, as encludeth a power of *disposing*
Kingdoms, *deposing* *Kings*, and *dissolue-*
ing the bonds of Subjects *obedience*. And
 besides these general positions, he not only
 challenged this Kingdom as *feudatory*, but
 undertook to *discharge* all English Sub-
 jects from their *Allegiance* to Queen *Eliza-*
beth; but in the following Book I shall
 speak more to the things contained under
 this head. But he who acts against the *safety*
 of

2. From
 the danger-
 ous abuse of
 pretended
 Apostolical
 Power.

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B. 1. C. 7. of the Realm, and the *rights* of the Crown, whatsoever his *dignity* is in the Church, may be rejected as a *common Enemy*; even as *Abiathar* the High Priest when he became an abetter of *Sedition*, was justly *deposed* by *Solomon*. That man who will give liberty of *free access* to his House, for his *Friend* or his *Physican*, will not think it reasonable to do the same to him, who without all right claims a *power*, to turn him out of his own *estate*, and to dispose of it as the *chief Lord*.

3. From
pernicious
and false
doctrines.

8. Thirdly, From the *corrupt doctrines*, which he propagates with that earnestness, as to *reject* all others who will not embrace them. Now because there is no authority above, or against *God* and his *truth*, there lyeth the same obligation upon all good Christians in this Case, to *reject* and disown his *superiority*; as there doth to hold and maintain the true *Catholick Christian doctrine*, which he will not allow, against the gross corruptions which have invaded it. Thus in the time of *Constantius*, when the present possessors of the *Patriarchdoms* were favourers of *Arianisme*, it was the honour of many *Catholick Bishops*, and other *Christians*, that they kept close to the *Catholick doctrine*, even in *opposition* to those *Patriarchs*. And the Oecumenical Council of *Ephesus* declared, that if

Conc. Eph.
c. 1.

any

any Metropolitan had forsaken, or should Sect. 3.
forsake and oppose the true doctrine, which
the Council did profess, he should have
no authority over others in his Province:
and this was determined with a particular
respect to the Case of Nestorius Bishop of
Constantinople, whose Heresy was then
also favoured by John Patriarch of An-
tioch.

9. Indeed upon pretence of personal
crimes, concerning *life* and *manners*, no
inferiour was allowed by the Canons, to
deny his *subjection* to his Bishop, Metro-
politan, or Patriarch, until a Council had
judged thereof. But if the Case be such,
that he with open face asserts manifest
Heresy, or *false doctrine*, which hath been
so declared by approved Councils, the dis-
owning all *Communion* with him, and
subjection to him, even before a Council, Syn. prim.
is commended by some Canons, as a pra- & Sec. c.
ctice which deserves honour. And it must 15.
be so, where *subjection* must enclude *em-
bracing corruptions*.

10. But the various, false, and corrupt Conc.
doctrines of the Church of Rome, are Trid. pas-
openly asserted, under *Anathema's* against sim.
all who shall oppose them. And these pre-
sent *erroneous Doctrines* of the Roman
Church, according to the definitions of the
Council of Trent, are by the *Bull of Pius*
the

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B. 1. C. 7. the Fourth, declared to be the true Catho-
 Bul. Pii 4- *lick Faith, extra quam nemo salvus esse*
 super form. *potest, out of which no man can be saved.*
 Juram. And an assent unto all these doctrines, is
 prof. fid. enjoined in that Bull to be declared upon
 Oath, by all persons who have any dig-
 nity or cure of Souls; which is extended
 Sept. De- by a following Constitution to all who
 cret. l. 3. take *Academical degrees* in any faculty, and
 Tit. 5. c. 2. to all Professors and Readers in publick
 Schools.

II. Now one thing in this *Bull*, en-
 joined to be thus necessarily *professed* and
believed, is, that the Roman Church is
omnium Ecclesiarum mater & magistra;
the mother of all Churches, and hath *autho-*
riety over them: but this is plainly con-
 trary to the determination of *Oecumenical*
Councils, which I have above produced,
 who do make the Authority of other
 Churches, *equal* with the Roman. Many
 other things are manifestly contrary to the
doctrine of Christ himself, and his *Apostles*,
 as their *Transubstantiation*, the allowing
 the *Communion in one kind*, against the
 expresse institution of Christ; the proper
propitiatory Sacrifice of the Mass, for the
 quick and the dead; and many more of
 like nature. And yet the Pope not only
excommunicates all those as *Hereticks*,
 who do *oppose* these doctrines, but also all
 those

Bulla in
 Coena. c. 2.

those who do *appeal* to any future *Council*. Sect. 3. Wherefore as much as it is the duty of any Church or Christian, to own *Gods authority* and embrace his truth, so much it must be their duty, to reject the *Romish authority*, which opposeth and withstandeth them.

12. Fourthly, From the sin of *pursuing Schism*, with which the *Romish Bishop* and Church do stand chargeable. No Christian Bishop can have any *authority*, against the *Unity* of the *Christian Church*, and against that authority, whereby that Unity is established. And therefore all Christians are obliged to avoid *sinful divisions* and *Schisms*, though the names of *Paul*, or *Apollos*, or *Cephas*, may be pretended to head them. And it was the fault of *S. Barnabas* to comply with, and be led by *S. Peter* himself in a groundless withdrawing from the Church of *Antioch*. And it could not be the duty of any *Catholick Christians*, who lived within the Dioceses of the *Donatist Bishops*, to submit to them, and thereby not hold the *Catholick Communion*. For as *S. Cyprian* Cyp. Ep. said, he who doth not keep the *Unity* of 52. ad Anton. the Spirit, and the conjunction of peace, and separateth himself from the bond of the Church, and the Society of its Priests, *Episcopi nec potestatem potest habere, nec honorem;*

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B.1.C.7. *honorem* ; can neither have the honour, nor the power of a Bishop. And he who submits to, or complieth with, the manager of a *Schism*, in his prosecution thereof, doth involve himself in the same crime.

Gr. de Valent. Tom.
3. disp. 3.
qu. 15.
Punct. 2.
Bannes in
2. 22. qu.
1. Art. 10.
p. 83, 84.
& qu. 39.
Art. 1.

13. Now that the Bishop of Rome himself may be a *Schismatick*, in separating from the Unity of the Church, is acknowledged by their own Writers. And he is actually guilty of Schism, in rejecting *Communion* with a great part, and with the best and purest part of the Catholick Church, and requiring them to be accounted *Hereticks*. And his Schism hath such aggravations as these. 1. In the ill design of upholding corrupt doctrines, and practices of that Church, without due reformation. 2. From his high *uncharitableness*, in not allowing *Salvation* to other Christian Churches, besides the Roman. 3. From his great *usurpation*, excommunicating all who do not yield *obedience* to him, and the *free Churches* who reform themselves, (although their power of *bolding Synods* includeth a right to reform themselves) and all who appeal from him to a *general Council*, who are subjected to excommunication, as some, who write upon the *Bull in cæna domini*. tell us, for accounting a general Council superior to the Pope.

Jac. de Graf Decif. Aur. l. 4. c. 18. n. 55.

14. Wherefore the Bishop of Rome as things

things now stand , hath no just right to Sect. 3.
a *Patriarchal Power* , in any part whatsoever of the Christian Church , having forfeited this by the *corrupt doctrines* and *interests* , and by the *Schism* , which are there managed. And he is excluded from Foreign Sovereign Princes Dominions, by the *Supremacy* of their *Crown* , and by his *undue claims* , inconsistent with their *regalities*. But if he would become truly Catholick, both as to Christian *Unity* and *doctrine* , and therein give due honour to *secular authority* , he might then claim a *Patriarchal right* , so far as the present civil power of *Rome* reacheth , but no further , unless by the leave and pleasure of other Princes and Churches. And he might then expect, and would receive, an *high honour* , all over the Christian World, upon account of the ancient prime Patriarchal See.

CHAP. VIII.

Some 'pretences of other parties', against
the Supremacy of Princes in Causes
Ecclesiastical, refuted.

SECT. I.

*Of Liberty of Conscience, and
Toleration.*

Against the Authority of the Civil
Power in matters of *Religion*, there
are some who undertake such a Patronage
of *Liberty of Conscience*, as thereby to in-
fer a necessity of *Toleration*. And what is
urged upon this Topick, hath either re-
spect to *Conscience it self*, or else the peace
of the Christian World; and so either pre-
tendeth, that it is the proper right of *Con-
science*, to be free from *subjection* to any
men in matters Ecclesiastical, and the af-
fairs of *Religion*; or else, that the yielding
this liberty to every man is a *principle of
peace*, and would tend greatly to the quiet
of the World.

*The conse-
quences
from the
Pleas for
general
liberty of
Conscience.*

2. The chief force of what is said upon
the first pretence, lyeth in this kind of rea-
soning, which some account plausible, to
wit,

wit, That every man hath a *Conscience*, or Sect. 12
 capacity of *discerning* what is his duty in
 matters of *Religion*, and that what he
 thus *discerns* to be his duty he ought to
practise, and no man ought to *hinder* or
restrain him: and the consequence of this
 is, that concerning the affairs of *Religion*,
 he ought to be under no *Government*,
 whether *Civil* or *Ecclesiastical*. But the
 vanity and *fallaciousness* of this way of
 arguing, will sufficiently appear, by im-
 proving the same to a further purpose, to
 which it is altogether as well adapted, con-
 cerning *matters of common right*. For it
 may be said here that man is a Creature
 endued with principles of *Conscience*, and
 capacities to discern what is *just* and *ho-*
nest, and what he discerneth to be so, he
 ought to *pursue*, and should be *permitted*
 so to do; and therefore according to the
 former method of argumentation, he must
in civil affairs be under no *Government*,
 and no *Judge* ought to *question* him. Now
 the result of all this, and what it would
 tend to prove, is, that *man* is such a Crea-
 ture, who ought not to be a *Subject*, or
 under *Government*; and from hence it
 would follow, that all the *Precepts* of *sub-*
jection and obedience in the Gospel, and
 the whole establishment which God hath
 made, of *Civil* and *Ecclesiastical* power

B. I. C. 8. and authority, are all of them opposite to the *nature of man*, and to the rights and privileges of his *being*. And now would it not heartily grieve any pious and understanding man, to see by what pitiful pretences men undertake to argue, against the institution and *authority of God*?

Men may not safely be left to the sole conduct of themselves and their Consciences.

3. But they who make use of such arguments about matters of *Religion*, will be ready to say concerning things *civil*, that though men have *Consciences* to guide them, yet they may sometimes *mistake* the due measures of justice and right, and sometimes an inordinate pursuing their own *interest*, or gratifying some *evil temper* of mind, may make men act contrary to what they know to be right; and by such means other mens *properties* would be *injured*, if there were not a *civil Judge* to interpose, and *laws* established for the securing these *properties*. And all this is indeed truth: but then these two things are also to be observed. 1. That hereby it is granted, that even in those things wherein men ought to be directed by the *rules of Conscience*, they are still under the *Government* of their *Superiours*, who may take care that they therein act not contrary to the true grounds of *Conscience*, which in this Case is *justice and right*. 2. That in matters of *Religion* also

also it is manifest, that very many are prone to run into *mistakes*, more than about other things, and to be too much hurried by *pride*, *prejudice*, *passion*, or by following *erroneous guides*. And is it reasonable, to think it agreeable to the will of God and the Christian Doctrine, that it should be necessary to preserve the *civil interests* of men, whether Princes or Subjects; but that such *liberty* must be granted, that the sacred *Majesty of God* may be *affronted*, the *truths* of the Gospel *opposed*, the *Unity of the Church* broken by *Schism*, the power of Religion undermined by *vain fancies*; and the *reputation* of the Christian Religion *stained*, and the *Eternal happiness* of many thousands be thereby hazarded, and all this not thought so considerable as to *provide against it*? Or as S. Austin said, *is it a lighter and more inconsiderable thing, for the Soul of man not to be faithful to God, than for a Woman not to be faithful to her Husband*? Wherefore since it is as easy for men of understanding, to discern the *Duty of man*, in the main things of Religion, and the Rules of *decency*, as in civil matters; it is very requisite, that with allowance of *reasonable liberty* to them who are soberly *inquisitive* about truth, there should be a *restraint* upon

Aug. Ep.
50. An si-
dem non
servare le-
vius est
animam
Deo, quam
foeminam
viro?

278 Other pretences against Supremacy

B. I. C. 8. men by Laws and Government, from following every *inordinate inclination* of their own minds, though they *misceat* it by the name of *Conscience*; that so Piety, Order, and Peace may be secured.

Conscience doth not always really guide where its name is pretended.

4. But though I would be as *charitable* to all who err in matters of Religion, as may consist with a due *consideration* of things, yet I cannot account all that to be *Conscience*, which is by some men in the World so called. For those proper *dictates of Conscience*, which in this case ought to *command obedience*, must proceed upon such *convictive evidence* of truth and duty, which no error and mistake can bring along with it, with that *clearness* which truth doth; and this ought to be followed by every pious man, whatever difficulties may assault him herein; but *passions and disordered affections* ought to be governed and *restrained*; and the Laws and *Commands* of Superiours ought to be *obeyed*, where there is no such evidence to be opposed against them, as I have mentioned. But let any person who understandeth the state of the World, consider, whether it be not an apparent *sad truth*, and matter of real lamentation, that the chief and most *earnest* men who close with erring and *dividing parties* amongst us, do this either out of some fond *affection*

tion to a weak argument, which they Sect. 1.
are highly pleased with; or because they
are resolved to hold fast some things as
certain principles; which have no evi-
dence of truth; or that they follow wil-
lingly and of choice the opinion of some
other persons whom they admire; or
have a great prejudice against those, whom
they account an opposite party; or are not
willing to be subject, and to be guided by
their Superiours, in things relating to
order. And I heartily wish it were not
so plain a truth as it is, that such men
are rarely willing to consider seriously
and impartially, of what is said against
their error, and do not make so much
scruple of Conscience as they ought, of
breaking those numerous and plain Precepts,
which enjoin obedience, humility, and the
keeping the Peace and Unity of the
Church.

5. Now in men who thus proceed, it is very plain that their dissent is founded in the voluntary inclination, and evil indisposition of their wills. And if any such persons shall say, that their Conscience obliges them to entertain these inclinations, they must give others leave to see, that they only substitute the name of Conscience, to be a Plea for an unaccountable and bad temper of mind. And indeed

*True liberty
of Consci-
ence opposed
by them
who plead
for it in
words.*

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B.1.C.8. those persons are great *opposers* of the just and necessary *Liberty of Conscience*, who will *bind* it up to comply with their own inclinations, and what pleaseth them, but will not give it the *Liberty of impartial consideration*, that thereby it might guide them by its *unbiassed dictates*.

God hath
not left
mens Con-
sciences at
liberty to
neglect
peace and
obedience.

6. But because I intend here to discourse no further of *liberty of Conscience*, than to shew that the pretence thereof, ought not to be any bar against the exercise of *government* and authority, in the regular establishing of *Religion*, and order in the Church: I shall only add, that I suppose no man will be so presumptuously bold, as to assert, that this Plea of *liberty* should be a *priviledge* to men, against the *authority of God*, and his Laws and Precepts. And then I cannot understand, what pretence can be made from hence, against the necessity of *practising* those *duties*, which the Commands of God have enjoined, of *following peace*, maintaining order, and in things lawful being *subject* to superiours; especially since God hath particularly in this Case required us, to be *subject for Conscience sake*, and that not as in a matter left at liberty, but where he hath declared a *necessity* upon Conscience, Rom.

13. 5. ἀνάγκη ὑποτασσέσθαι διὰ τὸν κύριον
θεόν,

know, you must needs be subject for Conscience sake. Sect. 1.

7. But there are some who say, that a general liberty for all men to profess what they please, or think fit in Religion, if it be not necessary from the nature of Conscience, yet is the most excellent expedient for the general peace of the World. This liberty hath been pretended by them who engage in several Sects, to be a principal means to promote the Unity of the Church; which must be by a like method, as the compactness and united strength of a building may be procured, by providing that all the parts of it, may without difficulty fall from one another. But this general liberty in Religion is also proposed, as the best requisite to hinder civil and foreign Wars, by a late Writer. He tells us, that all Wars of late Ages have been either really for Religion, or at least that hath been one of the chief pretences, and therefore as conducing to peace, he requires the embracing this Position, That every man ought quietly to enjoy his own Religion. And in another place he says, there cannot certainly in the World be found out, so mild and so peaceable a doctrine, as that which permits a difference in beliefs.

Toleration pretended to be a method for peace.

Humane Reason, P. 78.

P. 79.

P. 11. 12.

8. But since he that observes the World must

B.1.C.8. must acknowledge, that many Wars have been occasioned, upon the sole pretence of *civil rights*, and secular interests; that there may be a *provision* for this Case as well as for the former, it will not be unmeet to accompany this *Position* of his, with another which is much of like nature with it, and equally peaceable. And this is, *That all men ought to suffer each other, without any disturbance or complaint, to take and enjoy whatsoever goods, persons, and possessions, they shall please to possess themselves of.* And if this principle with the former, were entertained by all men (as it never was, nor can be) there would then be no Wars, nor contests in the World, neither concerning matters of Religion nor any other Right. And then we should have a *quiet World*, but with little regard to Religion, Righteousness, Chastity and Vertue, and without all Order, Government, and *civil Societies*, the Earth being then over-grown with the height of Barbarism, far surpassing the wildness of the Native Indians.

No Peace
can be from
thence ex-
pected.

9. But against the former method here proposed, for the procuring peace, I shall observe further two things. 1. That there are so many things necessary for the making this proposal practicable, that even that may well make any man despair of its effect.

effect. For first, care must be taken, that Sect. 1.
there be no such *pious men* in the World,
who will think that Gods honour ought to
be maintained, and the true Religion
defended and secured, by the authority of
Gouvernours; and yet either the *peaceable*
principle must be forsaken, or else there-
upon these men must enjoy the liberty of
their *opinion*, as well as others. Secondly,
there must be security given, that there
shall be no such *furiose men* in the World,
who will at any time vent *notions* in Re-
ligion, which may tend to *undermine au-*
thority and Government, to make mens
minds *fierce and cruel*, or to evacuate
obedience; nor yet that there be any such
eager and earnest men, who will be for-
ward to use what power they can gain,
for the *establisshing* their own opinions.
Thirdly, as this proposal can never become
useful for peace, until all men be brought
to be *of the opinion* of the Proposer,
which is as unlike as any thing can be; so
even then there must be some provision
made, that the *practice* of this proposal, be
not the ready way to hinder the *effect*
thereof. For the practice of this *general*
liberty for all opinions in Religion, doth
according to common experience ordina-
rily beget, instead of peace, *discords, op-*
positions, disturbances, confusions, and
other

B.1.C.8. other ill effects; which make all men of consideration see the hurt, and danger of such *licentious liberty*, and the necessity of *Order* and Government. Fourthly, And there must be no men so far *Christians* and conscientious, as to acknowledge that there are any doctrines of *Faith*, duties of *Christian worship*, or *institutions* of *Christ*, so necessary and sacred; that the *opposers* or *contemners* of them, ought to be *checked* and *withstood*. And though he be so bold as to assert, that *we ought not to teach*, that any errors in belief overthrow the hope of *Salvation*, and speaks of the hopeful estate of persons, whatsoever doctrines they embrace; in the whole compass of *Religions*; which large expressions must include the *Jews*, who in our Saviours time asserted him to be a *blasphemer* and not the *Christ*: yet thanks be to God, there are many who will believe those words of our Lord to the *Jews*, *Job. 8. 24.* *If ye believe not that I am he, ye shall die in your sins.* And from this and many other expressions in the Scripture, of the great danger of *unbelief*, will conclude, that under the clear *promulgation* of the Gospel, it is necessary to *Salvation*, to believe that *Jesus is the Christ*, and Saviour of the World, and to *profess* and *obey* his doctrine.

P. 68, 69.

P. 70, 71.

10. I observe, 2. That the best way Sect. 1.
to promote the peace of the World, is by *Peace best*
endeavouring that true Christianity in *promoted*
doctrine and practice, be with one accord, *by uniform*
and with a Spirit of Unity embraced *establiſhed*
among men. For first the *true Reli-*
gion and nature of Chri- *worſhip.*
stianity is such, that so far as it really pre-
vaileth, it must be a strong bond of peace,
since it makes men tender of wronging any
by word or deed, and enjoins a necessity
of making satisfaction for injuries; a
readiness to forgive enemies; with a care
of reverence, fidelity, and obedience to
superiours, and of gentleness, humility,
patience and charity towards all men. On
this account it was thought one of the
great disorders amongst men, that there
should be *Christianus contentiosus*, a
Christian given to contention. And
though there are great miscarriages in this
particular, among many who profess this
Religion, but do not live according to it;
yet it is apparent, that the spreading of
Christianity in the World, did greatly
amend and reform it, and as Eusebius
long since noted, did advantage the peace
thereof; and it will mightily promote this
effect, in all them who heartily practise it.
Secondly, Unity in Religion hath a natu-
ral force to excite friendliness, whence
even Jews, Mahometans, and all Sects are
more

De duo-
decim. a-
bus. seculi.
cap. 7.

Euf. de
Dem. E-
vang. l. 9.
c. 17.
De Laud.
Const. p.
486, 487.

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B. 1. C. 8. more kind to one another, than to others;
 Phil. de and *Philo* accounteth concord in the wor-
 Charit. p. ship of God, to be the greatest cement of
 717. love; and *Josephs* Brethren thought it a
 considerable argument to engage his fa-
 Gen. 50. vour, because they were *the servants of*
 17. *the God of his Father*. Thirdly, The
 quiet of the World having chief depen-
 dence upon God, it may be justly feared
 that where the care of true Religion is
 neglected, the flourishing and peaceable
 state of Kingdoms would not long conti-
 nue. This was frequently observable in
 the times of the Judges, and the Kings of
 Israel and Judah: See *Judg.* 5. 8. *1 Kings*
 11. 4, 14, 23. And remarkable decay of
 Gild. de piety was observed, to precede the two
 Exc. Brit. great Conquests of this Realm, by Foreign
 Mar. Par. Armies.
 an. 1067.
 p. 5.

SECT. II.

*Of some other rigid and dangerous prin-
 ciples, against the Supremacy of Prin-
 ces.*

Of the ri- 1. There are some of the rigid Presby-
 gid Presby- terians, especially those of the Scottish
 terians. way, who though they allow the King
 some authority, both in matters Ecclesi-
 astical, and over Ecclesiastical persons, do
 yet

yet in *terminis* reject the Kings being *su-* Sect, 2.
preme Governour, in all causes Ecclesiastical Ruthers. of
and civil ; and withal do plainly misrepre- Ch. Gov.
sent the sense thereof. But that those of Ch. 23. p.
this way, do in a dangerous manner, oppose 508.
the just Supremacy of Princes, in things Ec- Hender-
clesiastical, may be partly manifest from son's second
their general position, That the institution Paper to
of God hath so provided for all things, the King.
pertaining to Religion, that there is no room
left for any appointments of order, by the
authority of men ; the substance of which
I have in another discourse taken notice of.
But this will be more apparently manifest
from another position, which I shall now
reflect upon.

2. It is asserted by them, that if a Mini-
ster shall *speake treason* in his Pulpit, by *way*
of doctrine, the Church only is to try whe-
ther it be treason indeed ; and he may *de-* Ibid. Ch.
cline the civil Judge, and appeal to a Synod. 24. p. 551,
This is not only affirmed by Mr *Ruther-* 552.
ford, but this position was in an exceed- *The like*
ing strange manner espoused, by the Ge- *Plea was*
neral Assembly of the Kirk, who *contest-* *used by A.*
ed with King James concerning it, upon *Melvil, a*
this occasion. Mr *D. Blake* having in his *chief Mo-*
Sermon at *S. Andrews,* declared, that *the* *deller of*
King had discovered the treachery of his *the Scottish*
Heart, That all Kings are the Devils *Presbytery,*
Bearnes, That the Queen of England *in his own*
(Queen *Case 1584.*

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B. 1. C. 8. (*Queen Elizabeth*) was an *Atheist*, with many more dangerous assertions: and being cited by the *Kings authority* to answer these things, he alledged that he could not in this case be *judged* by the *King*, till the Church had taken the *first cognition* thereof. And the *Kirk-Commissioners* enter a *Declinator*, and *Protestation* against the *Kings* proceedings; and would not consent that any punishment should be *inflicted* upon *Mr Blake*, because there was no tryal before a *proper Judge*; and declared, that if he should *submit his doctrine* to be tryed by the *Council*, the *liberty of the Church*, and the *spiritual Government of the House of God*, would be quite subverted. A full and particular account of this whole matter, is expressed by *Bishop Spotswood*, and this contest was so great and famous, and the disturbances ensuing thereupon so notorious, that they were thought fit to be signified to the *States General* of the *United Provinces*, by their Agent then sent into *Scotland*, in the entrance of 1597. But such positions and undertakings as these, are calculated for a *Meridian*, equal in *Elevation* with the *Italian*.

3. One thing insisted on for this *exemption of the Church*, and its Officers from the *Civil Authority*, is, that the Officers of

Spotsw.
Hist. of
Sc. l. 6.
p. 330.

Hist. of
Sc. l. 6.
an. 1596.

Adr. Dam-
man. in
Praest. Vi-
ror. Epist.
p. 49. &c.

of the Church act by Authority from Sect. 2. Christ, and therefore are not to be in immediate *subjection* to Kings and Princes. But this hath been particularly answered above.

Chap. 6.
Sect. 4.

4. But they further argue, that it is the *Royalty of Christ* to Govern his Church in matters of Religion, and if the Civil Rulers do intermeddle herein, they thereby *invade* Christs Kingly Government. To which I answer, 1. That this way of arguing put into other language, would amount to thus much, That because Christ is the *King of his Church*, or of all Christians, yea and of all the Earth; therefore Christians and the whole World, ought not to be *subject* to any other King or Ruler but to Christ. And this would serve the design of the highest *Fifth-Monarchy men*, if it had any weight in it. 2. It is a gross falshood, that no act that Christ doth as King, may be performed by any other King. There are some great things in the *Kingly power of Christ*, which are wholly *incommunicable* in the nature of them, to any other human person whomsoever, being founded on his *Mediatory office*. Such are his giving the *Sanction* to the Laws and Precepts of the Gospel, to become the *rule of the Christian Religion*; his Sovereign *dispensing* divine grace upon ac-

Christs
Royal Au-
thority not
invaded
by Princes
governing
in causes
Ecclesia-
stical.

U

count

B. 1. C. 8. count of his own merits ; his pronouncing the *final sentence* of Absolution and Condemnation ; and his having by a peculiar right an *Universal authority* over all the World ; *all power in Heaven and Earth* being committed to him. And all such things as these , are as far disclaimed from *Kings*, as from other men. But there are other *Acts* of *Christs Government* of his Church, where some thing of like nature, ought to be performed by others, though in a different manner : thus Christ *ruleth* Christians, and so may all Christian Kings do ; Christ doth *protect* his Church, and so ought all Sovereign Powers to do ; Christ by his Authority *encourageth* the pious and devout, and discountenanceth the negligent, and so ought all Rulers as well as all other good men to do by theirs.

3. If *governing* others with respect to Religion, were peculiar to Christ himself and his Royal Authority, the authority of *Ecclesiastical Officers* would by this method become void also ; for Christ hath not conveyed the *peculiarities* of his Royal Authority to them. But as they in their places have authority from Christ ; so the *civil power* is in subordination to him , who is *King of kings* , and is confirmed by him.

5. There have been also other very *per-
nicious*

notions principles, which undermine the Sect. 2.
whole Foundation of the Royal Supremacy, both in matters civil, and Ecclesiastical. In our late dreadful times of Civil War, the whole management of things against the King, and the undertaking to alter and order publick affairs without him, was a manifest and practical disowning the Kings Supremacy. Some persons then who would be thought men of sense, did assert, that though the King was owned to be supreme Governour, yet the supreme Sovereign power was in the People. Others declared that the title of Supreme Governour, was an honorary title given to the King, to please him instead of fuller power. And in the Issue, by a pretended Act, it was called Treason, to say, that the Commons assembled in Parliament, were not the supreme authority of the Nation. But there were also some who then affirmed, the whole body of the people to be superiour to the Parliament, and that they might call them to an account.

Popular
Supremacy
disclaim-
ed.

July 17.
1649.

6. But because I hope these positions are now forsaken, and because much in the following Book is designed against the dangerous effect of them, in taking Arms, I shall content my self here to observe three things. First, that those who would

U 2

disprove

B.1.C.8. *disprove* the Royal Supremacy, because of some actions which have been undertaken by some of the people, or by any in their name against their Kings, or even to the *deposing* of them; do first stand bound to prove all these actions to be *regular* and *justifiable*: or else it is no better argument, than they might make use of against the *authority of God*, from the *disobedience* of men.

7. Secondly, The asserting *Supremacy of Government* in the body of the *People*, is a position big with *nonsense* and *irreligion*. 'Tis *nonsense* (like a whole Army being General) since Supremacy of Government in the whole *body of the People*, can be over no body; unless something could be supreme over it self: whereas if there be no higher power than what is in the whole body of the *People*, this must be a state of *Anarchy*, where there is no *superiour or supreme*. It includes *Irreligion*, because Religion establisheth the *Government* of a people, to be the *ordinance of God*: and whereas Government must be by the exercise of a *superiour authority*, there can be no authority upon Earth *superiour to the supreme*.

8. Thirdly, Supremacy cannot be asserted in a *Parliament*, without doing violence to plain evidence. For as loyal
English

English Parliaments have constantly acknowledged *Supremacy in the King*; so it is manifest, that the Parliament regularly is under the *Government of the King*. For he *Summons* and gives birth to it by his *Writ*, continues it at his pleasure, and bath the authority of *adjourning*, *proroguing* or *dissolving* it, as he sees cause. Sect. 2.

CHAP. IX.

Corollaries from the foregoing discourse, concerning some duties of subjection.

THE Royal Supremacy being asserted, it will hence follow, 1. That Subjects ought to own and acknowledge this just authority, and Supremacy of their Sovereign; and heartily to manifest an humble, peaceable, and faithful submission thereunto. This is that which the Rules of the Christian Religion do enjoin, and they who are averse from the performance hereof, do as much as in them lies enervate this authority, and render it unmeet to attain its ends, for which God did appoint it, even the peace and good of the World. And for the more effectual promoting of this faithful subjection, the

Corol. 1.
Of submission and solemn professing the Kings Right.

B. 3. 352 sacred bond of an Oath of homage and fidelity, is approved by God himself, *Lev.* 8. 2. and hath been made use of by the general wisdom of the World. The ancient practice of such Oaths is manifest under the Jewish Government, *Judg.* 11. 10. 2 *King.* 11. 17. as also under the Chaldean Empire, *Ezek.* 17. 19. and under the Persian and Roman Empires. And that the primitive Christians even in the time of persecution, did by their Oaths assure their allegiance to those Princes, seemeth well observed by *Baronius*, from *Tertullian*, *Apol.* c. 32. where discoursing of that fidelity and honour, which the Christians had for the Emperour, upon that occasion saith, *Sed & juramus.*

Joseph.
Ant. l. 11.
c. 8. & l.
17. c. 3
Herodian
l. 2.
Bar. an.
169. n. 9.

Offending
repeatedly.

2. *Corol.* 2. Subjects ought also to speak of their Princes with reverence and expressions of honour. For all authority whether of Father, Master, or other Ruler, deriving suitable degrees of honour upon the person; the greatest and chief civil honour doth of right belong to him, who in his Dominions is possessor of the highest authority upon Earth. And the ordinary using outward expressions and titles of honour, is in this Case the more needful and reasonable, because this hath a considerable influence upon the disposing men to obedience, and because Government is self

self becomes most *useful*, where it is entertained with *due reverence*. Wherefore the title of *Κεαν*, *Κε*, *optimus* or *most excellent*, which was the usual stile of honour which both *Jews* and *Romans* gave to the president of *Judea*, *Act. 23. 26. ch. 24. 3.* was readily made use of to *Festus*, by *S. Paul*, *Act. 26. 25.* And when *Priests* and *Rulers* were none of the best men, the holy *Scriptures* stile the *Priest*, the *Angel* or *Messenger of the Lord of Hosts*, *Mal. 2. 7.* and the *Ruler*, the *Minister of God*, *Rom. 13. 4.* and of such they use that expression, *Psa. 82. 6. I said, Ye are Gods.*

3. And the primitive *Christians* were forward by such means to promote and secure the due *honour of superiours*. To which purpose *Dionysius* Bishop of *Alexandria*, when he was a *Confessor*, and exposed himself to be banished for the *Christian* profession, did yield to *Valerian* and *Galienus*, persecuting Emperours, the title of *θεοφιλέστατοι*, *most pious*. Both *Athanasius* himself, and the *Alexandrian Church* which held to him, called *Constantinus* the *Arian*, *Most Religious*, *εὐσεβέστατον*. And when *Constantine* wrote to some of the *Prefects of the Empire*, he gave to them in two *Rescripts* mentioned by *Eusebius*, the title of *καθολικὸς ἡ σὴ*, your

Euf. Hist. Eccl. l. 7. c. 14.

Athanas. Ap. ad Const. Testim. Eccl. A. Alexand. in Athanas. Euf. Hist. Eccl. l. 10. c. 5.

sanctity.

B.1.C.9. *sanctity*. And that the ancient Churches did readily give to the Emperours their usual *Imperial titles*, and did ordinarily treat them with such a stile as *Sanctissimi*, *Pientissimi*, *Religiosissimi*, is not only manifest from particular Writers, but is abundantly apparent from the Synodical Epistles of Provincial, and even of Oecumenical Councils.

Conc.

Eph.

Tom. 2. c.

10. & Tom.

4. c. 17.

4. And as the like *expressions of honour* were frequently and usually give to the *Christian Bishops*: so when the Council of *Ephesus* were about to denounce the sentence of deposition, against *Nestorius* Bishop of *Constantinople*, for his Heresy; and when they wrote to *Celestine*, against *John* Bishop of *Antioch*, as being an Enemy to the true Faith, in compliance with *Nestorius*, they gave them both the title of *Most Religious*. And the like was done before the sentencing *Dioscorus*, and other Bishops who complied with *Eutyches*, in the Council of *Chalcedon*. Wherefore such expressions as these were intended as titles of honour, given to them upon account of their *office*, and without respect to their *personal vertues*, and in that sense are to be understood.

Conc.

Chalc.

Act. 3.

Evagr.

Hist. l. 2.

c. 18.

Mat. de

Min Angl.

l. 3. c. 5. p.

3. & ibid.

Baron. &

Bin.

5. The use of such expressions of *honorary titles* is allowed and defended, both by *Romish* and *Protestant* Writers. And

And those persons who would appear backward, in yielding to the supreme Governour his just stile of *eminency* and Supremacy, are wanting in giving him the honour which God enjoins, and cannot easily be acquitted from the guilt of *scandal*, in encouraging the bad temper of some, and adding to the ignorance of others in that particular. And they who are desirous to *expose* the persons, actions or constitutions of their superiours, may take warning by the actings of *Ham*, towards his Father *Noah*, which entailed a Curse upon his posterity.

6. Corol. 3. It is also the duty of Subjects, heartily to *pray* for Gods blessing on the person, and Government of their Sovereign; because therein both *Church* and *State*, and *private interests* also, are so much concerned. This was enjoined by *S. Paul*, as a matter of principal concernment, *1 Tim. 2. 1, 2.* and was performed in the early times of Christianity. And the Council of *Merida* did more particularly pray for their King *Recessuinthus*, because he was Governour in all *Causas Civil* and *Ecclesiastical*; *quoniam de secularibus sancta illi manet cura, & Ecclesiastica per divinam gratiam recte disponit mente intentâ, sit illi opitulatrix ineffabilis omnipotentis Dei gratia, quæ se querentibus*

*of praying
for Kings.*

Tert. A-
pol. c 30.
Conc. E-
mer. in
Præf.

B. I. C. 9. *libus manet propinqua.* But because it is an high piece of Hypocrisy and dissembling with God, to pray to him for the good of any person, whose good and happiness is not really desired; therefore the divine Precept to *pray for Kings*, and the *Christian practice* answerable thereto, was well urged as a sufficient evidence by *Tertullian*, to prove Christians to be true and real Friends and no Flatterers of Princes and Emperours, wheresoever the true Spirit of Christianity is embraced.

Apol. c.
31.

Of obedi-
ence to the
laws of our
Govern-
ments.

Arist. Eth.
l. 10. c. 9.
Politic. l. 6.

Corol. 4. The chief and principal duty required, is the practice of *obedience to the laws* of our superiours. Even in lesser Societies, a *Father or Master* whose authority is of an inferior nature, hath a power of *commanding*; without which there can be no order in Families. And it is the general acknowledgment of the World, that the *welfare of humane Society*, of which Government taketh care, cannot be obtained without establishing *laws* and publick Rules: and there is no Kingdom or Country in the World under any *civil Government*, where *laws* have not been established, and an authority to *enjoin* them acknowledged. And obedience to such laws is plainly enjoined upon all Christians, since they are obliged to be *subject to the higher powers*, and to *submit*

mit themselves to every ordinance of man. But that this duty of obedience may be the better declared, I shall take notice of three pretensions which are made use of, for the undermining it. Wherefore I shall observe,

8. First, That *passive obedience* (as some call it) or submitting to penalties, is in things which may lawfully be done, no sufficient discharge of Conscience, or performance of duty, unto the laws of superiours. And here *Active obedience* only, deserves the name of obedience, and is necessary to be performed. This is evident from these three things. 1. From the general end and design of all Government, which a true *Christian Subjection* must comply with: and this is to restrain disorders and evils, and to promote what is good and useful in the World. Now this end is obtained by the practising wholesome Rules, but is not at all effected by the mere bearing penalties. For by the suspending *active obedience*, the order of the World would be turned into confusion: since as *Clemens Romanus* urgeth in this Case, As the serviceableness of an Army, dependeth much upon its being under Command, and the usefulness of the members of our bodies appeareth, from their being ready to perform the motions, about which

The necessity
of Active
Obedience.

Cl. Rom.
Ep. ad
Cor. p.
49, 50.

B.1.C.9. which they are employed ; so the good estate of the *weal publick* is procured , by mens careful observing and attending to useful and profitable Rules and directions.

2. From other parallel instances. It is against the nature of *Religion* to imagine, that wicked men and evil Angels who *despise Gods laws* , and reject his Precepts, are to be esteemed as *blameless* and Well-doers, meerly because they bear the *punishment* and misery, which God inflicts. And surely no reasonable man can think , that if a *servant* be idle, careless, and unfaithful ; by being only beaten for his fault ; without any amendment of his carriage, he becomes thereby *faithful* and innocent ; or that if a *Child* be disobedient to his Parents, and stubborn, he hath sufficiently discharged all that Duty , which God or Man requireth from him, by being *corrected*. And the pretence of general performing obedience to Governours, by bare submitting to *penalties* , but neglecting in things lawful to *practise* what is *enjoined* , is as opposite as these former instances, to the Rules both of Reason and Religion.

3. From the Sanction of *punishment* towards them who do evil, and are disobedient. For God who is so just that he will not *condemn* the righteous, nor *punish* the innocent , hath committed to Rulers the
power

power of the Sword, to execute punishment on the disorderly and disobedient : which he would never have done, if the neglect of active obedience to laws, which is the cause for which punishments are inflicted, were not in it self *a fault*. But *whofo pro-* Prov. 20.
voketh him (a King) to anger, sinneth against 2.
his own Soul.

9. Secondly, Nor are subjects disoblighd from obeying the *laws* of their superiours, by their entertaining *doubts or scruples* concerning the lawfulness of them. But because what I have written elsewhere, is sufficient for the proof of this, I shall chiefly refer the Reader thither, and shall only add, 1. That if we consider *doubts in* Doubts do
 themselves, since here is no *certain evi-* not dis-
dence concerning the unlawfulness of the charge from
 things commanded; if these *doubts* and obedience.
 scruples proceed from a regular and uniform *cautiousness of Conscience*, there is as much reason (if not much more, because of the plainness of the commands of obedience) to scruple or doubt of the *lawfulness of disobeying*, as of the lawfulness of *obeying*. And so the consideration of doubts and scruples, taken singly and alone, can be no pretence against the *performing obedience*, when even these very things ought to have as strong a force, against the *neglecting obedience*. 2. If we consider
 the

B.1.C.9. the duty and state of *subjection*, it will
 thence appear, that it was well asserted by
 S. *Austin*, that subjects may and ought to
 obey their Princes Commands, where they
 are certain that what he Commands, is not
 against the *Command of God*; and even
 where they are *not certain* that it is so.
 And indeed if an *uncertain doubt* did but
 make it safe not to perform obedience, this
 would bring very great *confusion* and dis-
 order into the World, and would teach it
 the ready way, which many would listen
 unto, how *Children* might safely disobey
 their Parents, and *Servants* their Masters,
 as well as *Subjects* their Governours. But
 since next to the obeying God, we owe
 obedience to our superiours, even by
 the *command of God*: no man can war-
 rantably *disobey* them, but where he knows
 he hath in that Case, the *Command* or Au-
 thority of God to the contrary.

10 Thirdly, Whereas many persons
 are prone in general to account them, who
 are least studious to comply with the au-
 thority of men, (though they be their
 Governours) in matters of Religion, to
 be men of the greatest *Conscience* and
 integrity, who do not affect the things of
 this World, nor aim at their own interest
 therein, even this is a perfect misunder-
 standing, and a gross mistake. For 1.
 Since

Cont.
 Faust. 1.
 22. c. 75.

Since the due performance of *obedience* in things *lawful* is a duty, there is more integrity and good *Conscience* in the peaceable *practising* it, than in the *neglecting* it.

Performing obedience is a part of integrity and good Conscience.

This may receive great clearness by comparing it with the parallel Case of *obedience to Parents*. Now that person who shall *forsake* or disobey *Father or Mother*, in a necessary Case of Religion, acteth as one truly *pious*: but he who will be *disobedient* to his Parents in things lawful, is far from shewing himself thereby to be the better man, or the better Christian; in that he may seem not to consult his own *interest* in the World, by venturing to displease or provoke his Parents, and to lose those advantages and favours, he might by a dutiful carriage receive from them. Notwithstanding such empty pretences to plead for *disobedience*, we must acknowledge the truth of what *Hierocles* asserted, even from the principles of equity and reason, that *Parents* are no where else to be *disobeyed*, but where themselves are not *obedient* to the divine Precepts. And the duty to Princes is of a like nature.

Hier. in Pythag. P. 53.

II. 2. They who seem to disregard their own *interest*, in some things in the World, and not to desire the *favour* of their *superiours*, do not deserve to be accounted the better or the wiser men; unless

B. I. C. 9. less this be done in the necessary discharge of *duty to God*, and the keeping firm to the truth of Religion. In those Cases forsaking Houses, and Lands, and Life, becomes a needful duty, but it is not so at other times. *Origen* tells us, that the Christians of his Age were not so far besides themselves, and void of reason, as to *displease* and *provoke* Princes, further than this was the effect of their observing the laws of God. And the Schism of the *Donatists*, and especially the *Circumcelliones*, who were furious and outrageous persons among them, hath been never the better esteemed in the Christian Church; because they not only *withstood* the laws of the Christian Emperours against it, but were very prodigal in *casting away* their own *lives*, to gain reputation to their party. That man who will *spend* or throw away his estate, in a *contention* with his *equal*, where it would better become him to live in *peace*, is to be *censured*, not *applauded*: and to do the like in *contending* with his *superiour*, is the worse of the two; because the *common good*, the *peace* of the Church and the duty of *subjection*, are herein concerned. And he who hath undervaluing thoughts of the *approbation*, favour and respect of Governours, in the performance of his duty, cannot well have high

Cont.
Cell. l. 8.
p. 420.

Aug. de
Hæres.
c. 69.
Cont.
Gaud.
Epist. l. 2.
c. 15.

high thoughts of the institution and ordinance of God, which appointed them for the *praise of them that do well*. Rom. 13. 3.
1 Pet. 2. 14.

12. 3 That man only acts as becomes a truly *conscientious man*, and a good Christian, who is careful to avoid all sinful dispositions, without undue affecting to please himself, or to *oppose* the wayes of peace, or to *seek applause* from any sort of men, in the neglect of his duty. And indeed the being in *vogue* and *reputation*, with a particular company of men, is to some persons a more *prevailing temptation* than the proposal of *gain* or publick *honour*; of which we have a plain example, even amongst the Apostles of our Saviour. When they had arrived so far, as that they could part with all their *possessions*, and be content to undergo *scorn* and contempt, from the generality of their Nation, for their Masters sake; they were so prone to affect the *reputation* of being the *greatest* in their own Society; that they needed the watchful eye, and frequent rebukes of their Saviour, to check and curb this evil temper. And besides this there are those who make use of the interest of a party, as a method of *gain* also, as is easily observed.

Luk. 9. 48;
47, 48. ch.
22. 24, 25;
26.
Mar. 10:
44.

13. Wherefore the performing *active obedience*

X

dience

B.1.C 9. *dience* in lawful things, to the Precepts of Superiours, is a Duty which must not be neglected by him who would keep a good *Conscience*, since according to the will of God, we *must needs be subject*, not only for wrath, but also for *Conscience sake*.

Christian

Christian Loyalty.

The Second Book.

Of the Unlawfulness of Subjects taking Armes against the King.

CHAP. I.

The publick Forms of declaration, against the lawfulness of resisting the King by Armes, considered.

SECT. I.

Of the Oath of Allegiance or Obedience, and its disclaiming the Popes power of deposing the King, or licensing his Subjects to offer any violence to his Person, State, or Government.

1. **T**HE preservation of Civil Governours, and the Peace of Kingdoms, is of so great concernment, that the

X 2

wisdom

B.2.C.1. wisdom of Lawgivers hath justly taken especial care thereof. And Tumults, Conspiracies and *civil Wars*, are usually attended with the highest mischiefs; the violation of things *Sacred*, the banishing of *natural affection*, and therewith *Christian* love, meekness, mercy, and the duties of *subjection*; and the practising murder, rapine, violence and lewdness. And besides what every man may himself personally suffer, in such Calamities; the dismal *spectacles* which his eyes may behold, the *tragical relations* which his ears must bear, and the perplexing *fears* which may assault his mind; in the lively sense of them, are effectual and astonishing convictions, of the dreadfulnes of tumultuous and treasonable *Conspiracies*, beyond all that can be expressed concerning them.

2. But though the *Christian Religion* doth firmly oblige men to peace, obedience, and *due submission*; there are many persons who own that name, and yet entertain *positions*, wholly inconsistent with the Precepts of that *Religion*, and the safety of *Princes*, and their Kingdoms. And therefore it is but reasonable, that those who are admitted into any Office in the *Church*, and are to *teach* and instruct others; and they who receive any Government in the *State*, and have the power of

com-

commanding others, should testify their Sect. r. Loyalty, and their detestation of such positions, as undermine the security of Kings and Kingdoms. And to this purpose is established in this Realm, a twofold acknowledgment; the one more particular against *Romish Conspiracies*; and the other more general.

3. The former is contained in the Oath 3. Jac. 4. The Oath of Allegiance against the Popes deposing power. of Obedience or Allegiance, which all the Clergy, and other principal subjects of this Realm do constantly take. And therein it is declared, that *the Pope* hath no power to depose the King, or to dispose of his Dominions, to absolve his Subjects from their Obedience, or to license them to bear Arms against, or offer violence to his Person or Government; whether he proceed by Declaration, Sentence, Excommunication, or any otherwise.

4. And indeed there was very great reason, to use needful circumspection, against the pretence of this *Papal power of deposing Kings*, which had appeared with so great boldness in the World, and done so much mischief in it. And this pretence is not only managed, as an intrigue of the policy of the Court of Rome, but is engraffed into the Doctrine of the Romish Church. In the General Council (as they at Rome esteem it) at the Laterane under This power of the Pope to depose Kings, asserted in the Church of Rome.

X 3

Innocent

Conc. Lat. c. de hæret. an. 1215.

B.2.C.1. *Innocent* the Third, it was declared, that if any temporal Lord did not purge his land from Heresy, he should be Excommunicated by the Metropolitan and Bishops, and if he make not satisfaction within a year, the Pope shall pronounce his Subjects absolved from their fealty, and shall give his Country to Catholicks to possess it without any contradiction. And this Constitution doth not only respect such temporal Lords, who have some inferiour Dominions, without Sovereign dignity, as some of the more loyally inclined Romanists would interpret it: but it also concerneth Sovereign Princes, as these words thereof will evince; *eadem lege servata circa eos, qui non habent Dominos principales.*

Sheldon's
Reasons for
lawfulness
of Oath of
Alligiance.

In Concil.
Lugdun.
an. 1245.

5. And in another reputed General Council, *Innocent* the Fourth did actually pronounce this sentence against *Frederick* the Second then Emperour; That as *Christs Vicar*, and by vertue of his having said to *S. Peter*, *whatsoever thou shalt bind on Earth, shall be bound in Heaven*, he did declare and denounce the Emperour, for his sins, to be by God deprived of all honour and dignity, adding, & *nihilominus sententiando privamus.* And thereupon he proceeds to absolve his Subjects from their Oath of fealty, and by his Apostolical

cal Authority to Command them, that they Sect. 1.
yield him no obedience, help, or counsel, as
Emperour, and Decrees that all who shall
do otherwise, shall be *ipso facto* Excommu-
nicate. And this proceeding and sentence, Sext. Decr.
which was related by *M. Paris*, and from l. 2. Tit.
him by *Binus*, in his account of this Coun- 14. c. 2.
cil, was also taken into the Decrees of the
Canon Law.

6. And though *Santarellus*, and some
few others, may have spoken more broadly
and expressly, and have been more taken
notice of, by the publick censures of
France; yet he who shall consult the ge-
nerality of the *Romish Writers*, which are
most in vogue amongst themselves, will
find them for some hundred years past,
to be asserters of these dangerous posi-
tions. So much do the *Romish Doctrines*
tend to the undermining the Rights and
authority of Princes. Cardinal *Bellarmino* Bellarm.
produceth the testimony, of towards four- adv. Bar-
score of their Writers, beginning from claium, de
Gregory the Seventh, and *Aquinas*, for the Poteft.
asserting the Popes temporal power, Pap.
and almost all of them do indeed plainly own
his power of deposing Kings. And a fur-
ther account is to the same purpose given,
by Cardinal *Perron*. The same spirit hath In the Je-
been since propagated; and in *England* suits Loy-
the Treatises lately written by that sort of alty.

B.2.C.1. men, against the *lawfulness* of taking the *Oath of Allegiance*, because it disclaimeth this deposing power of the Pope, are open to publick view: and the first of those Treatises undertaketh to prove, the acknowledging this *deposing power*, to be a branch of the *Doctrine* of the *Romish Church*.

These Papal
practices
mischie-
vous to the
World.
Platin. in
Vit. Greg.
7.

7. Nor are these only *words* and opinions, but things which have been in many *Ages pernicious* to the World. Since *Gregory the Seventh*, for six hundred years past, the Roman Bishop hath frequently by his *Sentence* and *Excommunication*, undertaken to *depose* Kings and Emperours, to stir up Subjects to *take Arms* against their Sovereigns, and even Children against their own Fathers; as was done against the Emperour *Henry the Fourth*; and thereby dreadful *Wars* have been oft occasioned in many Countries, and especially in the *Empire*. And with respect to *England*, some years before King *John* was forced to yield his Crown to *Pandulphus*, the Popes Legate; the Pope undertook by his sentence to *depose* him from being King, and to order that another person should succeed him, being chosen by the Pope; as *M. Paris* expresseth it, *Sententialiter definivit, ut Rex Anglorum Johannes à solio regni deponeretur, & alius*

M. Paris.
an. 1212.

alius Papâ procurante succederet. And of Sect. I. later times the Bull of *Pius* the Fifth against Queen *Elizabeth*, did presume to deprive her of her Title to her Kingdom, and to command her Subjects not to obey her. And in her Reign, other *Bulls* and *Breves* were sent into *England*, to the same purpose; and also to declare all persons, who were not of the *Romish Communion*, to be excluded from the *succession* to the Crown. These things together with several *treasonable attempts* of the *Romish* party (which were the reducing this doctrine into practice) and particularly the *Gunpowder-treason*, made it needful to provide the Oath of *Allegiance*, wherein this dangerous pretended power of the Pope is renounced. And since the reforming that Oath, *Paul* the Fifth sent over his *Breves*, (and Card. *Bellarmino* his Letters) declaring that this Oath could not be taken, *Salva fide Catholica*, with the preservation of the Catholick Faith, and the *Salvation* of their own Souls.

In Bel-
larm.
Resp. ad
Apolog.
pro Jur.
Fidelita-
tis.

8. Now this pretended power of the Pope, if it had any real foundation, must bear it self either upon his peculiar eminency and *superiority over Princes*, even with respect to things temporal; or upon the force and vertue of the meer spiritual power of *Excommunication*; or from the

the

B.2.C.1. the occasion thereof, the pretended crimes of *Hereſy, Apoſtaſie, or Infidelity*, and their being ſo adjudged. The firſt of theſe is that which the Popes themſelves do much inſiſt upon; as appears from their own *Inſtruments, Grants, and Bulls*, relating to the *depoſing Kings*, and the *diſpoſing of Kingdoms and Countries*. And it may be obſerved, that the claim of the depoſing power, upon account of a *Sovereign Dominion*, to give and take away Kingdoms, doth lay the rights of Kings at the mercy and pleaſure of the *Pope*; as other Officers and Dependents are at the pleaſure of the King in his Kingdom. And then it muſt be alſo granted, that the Pope may *deprive* them, without reſpect to any ſuch Caſe Eccleſiaſtical; as *Hereſy, Excommunication*, or ſpiritual puniſhment of ſin; and ſuch a power was claimed by ſome Popes.

The Pope hath no ſuperiority over Princes, whereby he may deprive them of their Dominions.

Greg. 7. 1.
8. Episc.
21. c. 15.
q. 7. c.
allus.

9. But having in the former Book, as I hope, ſufficiently proved the *Supremacy of Kings* in their Dominions, and diſproved the *ſuperiority of the Pope* over them, it may be thence inferred, that no *depoſing power* can poſſibly belong to him upon this pretence: which alſo will receive further confirmation, from many things in the following Chapters of this Book. Only I ſhall here take notice, that as ſome other Scriptures are produced for this depoſing power,

power, which at first sight appear to signify no such thing, as the instance of *Jeboiada* who only acted the part of a faithful subject to *Joash*, against a cruel Usurper; and doth not certainly appear to have been the High Priest; so there is a peculiar Wire-drawn nicety, which some make use of, to prove this deposing power from those words of our Saviour, *Job. 21. 16. Feed my Sheep.* Hence they argue, that it belongs to the office of a Pastor to drive away *Wolves*; and therefore the chief Pastor may depose such Princes, who are hurtful to the Church. And this same argument may also prove, that all Pastors have the power of the *Sword*, and of making resistance, and of killing and destroying mens lives, and exercising such Authority as the *Kings of the Gentiles* did. But to this which will admit of many answers, it may be sufficient to say, 1. That it is a great vanity to found an argument, upon the straining a metaphorical expression, which only proves that they want better proofs. As if all Christians from the same text might be concluded to be *Fools*, because *Sheep* are silly Creatures: and that it is not fit that Christian Kingdoms should defend themselves by Arms, against an invading Enemy, because it agrees not with the nature of *Sheep*, to fight with *Foxes*

or

Sect. 1.
Bishop
Montagues
Aets and
Monum.
ch. 6. n.
26, 27.
Gr. de Va-
lent. Tom.
3. Disp. 1.
Qu. 12.
punct. 2.
V. & Bel-
larm. de
Rom.
Pont. l. 5.
c. 7.

B.2.C.1. or Wolves. 2. And it is no part of the peculiar authority of a *Shepherd*, to drive away a *Wolf*; which any *Man*, or *Dog* either, may warrantably do, as well as the *Shepherd*.

Gr. de Val.
ubi supra.
C. 15. qu.
7. c. nos
sanctorum,
& c. Ju-
ratos.

10. But it is pretended also, that those persons who are *Excommunicated* because of *Heresy*, (or, as some add, for any other cause) do thereby lose their *Dominion*, and Authority over their Subjects. And this is asserted and declared by *Gregory the Seventh*, and *Urbane the Second*. Now though the having disproved the authority of the *Bishop of Rome*, to extend to this *Kingdom*, doth sufficiently manifest, that he hath no more power to *Excommunicate* any *Prince*, or *Subject of England* (having no *Jurisdiction* here) than a *Bishop in England* hath, to *Excommunicate* any *Prince* or *Subject in Italy*: yet I shall here take notice of some things further concerning *Excommunication*, and also concerning *Heresy*. Concerning *Excommunication* I shall observe,

*Excommu-
nication
doth not
forfeit tem-
poral
rights.*

11. First, That it is contrary to the nature of *Excommunication*, though in the highest degree, that any person, and especially a *Sovereign Prince*, should thereby lose those *temporal rights*, which are not founded in their relation to the *Church*. Indeed in *Christian Kingdoms* there are ordi-
narily

narily some *temporal penalties*, and abatement of *legal priviledges*, inflicted upon the persons *Excommunicate*; but this is not the *natural effect* of that sentence, but is *added* thereto by the *civil Government* and *Soveraignty*, under which such persons do live. And therefore no such thing can take place with respect to *Soveraign Princes*, who have no *temporal superiour*, to annex this as a *penalty*. *Excommunication* is a separating an Offender from the *Christian Society* of the Church, not a casting him out of the *World*; it removes him as *Tertullian* expresseth it, à *communicatione orationis*, & *conventus*, & *omnis sancti Commercii*; from *communicating* in *Prayer*, *Christian Assemblies*, and all *holly Commerce*. But that *temporal rights* are not thereby lost or forfeited, is acknowledged by some considerable Writers of the *Romish Church*; as *Richeome* and *Soto*, who are cited with approbation by *Blackwell*.

Sect. I.

Tertul.
Ap.c. 39.

Blackw.
his Examination.
1607.

n. 39.

12. This may be further manifest from the words of our Saviour; wherein he expresseth the state and condition of a person *Excommunicate*, *Mat. 18. 17. Let him be to thee as an Heathen man, and a Publican*. Now supposing here that a *Christian Prince* were *Excommunicated*; to be as an *Heathen man* is no more, than to be

B.2.C.1. be as the *Roman Governours* were, to whom *S. Paul* and *S. Peter* enjoin obedience, and to be as *Tiberius* himself was, towards whom our Saviour commands the performance of duty. The *Publicans* who received the Roman Tribute, were so hateful to the Jews, that they would not eat with them; they were accounted *oppressors*, as the Jewish Rabbins declare, and the words of *S. John Baptist* intimate, *Luke. 3. 12, 13.* And indeed they had so general a reputation of *injustice* even amongst the Romans, that it was thought a remarkable commendation of the Father of *Vespasian*, in the publick Inscription upon the Statues erected in honour of him, *καλῶς πλεονέσωντι*, that he was an *honest Publican*. But yet with respect to the civil rights of tribute which they demanded, our Saviour requires and commands to *render unto Caesar, the things that are Caesars, Mat. 22. 21.*

Hor. Hebr.
in Mat. 5.
46.

Suet. in
Vesp. n. 1.

Princes may
not be Ex-
communicated as o-
thers may.

13. Secondly, I observe that *Sovereign Princes* are not liable to the Sentence of *Excommunication*, in the same manner with *Christian Subjects*. Though Princes must be under the care and conduct of *Ecclesiastical Pastors* and Guides; yet the duties of that relation must be discharged, with a reverent respect to the state of *subjection*. And the different Case of a *Prince* and

and a Subject, with respect to Excommu- Sect. 1.
 nication, may be discerned by distinct re-
 flecting on the *causes*, the *effects*, the *end*,
 and the *manner of proceeding* in Excom-
 munication. If we consider the *causes* or

occassions of Excommunication; a Sove-
 reign is capable of losing, and *forfeiting*
 his relation to the Society of the Christian
 Church, as well as other persons; because

as Mr Thorndike observeth, he as well as
 others comes into the *Communion of the* Right of
the Church.
Ch. 4.
p. 236.

Church, upon the terms and conditions of
Christianity; and a *failure in the condi-*
tion must make the effect void. Such was

the Case of Julian, who being an *Apostate*,
 and no longer *embracing Christianity*, had
 no more any right to be accounted a *Chri-*
stian. The *effect* of Excommunication is

such, that it sometimes *prohibits converse*
 among private persons; except in such *re-*
lations, as do not depend upon the Society
 of the *Church*, and therefore remain in-
 tire, notwithstanding the *separation* from
 that Society; as of Parents and Children,
 Husband and Wife, Master and Servant.

And upon this account, no subject can by
 vertue of Excommunication, be prohibi- Davenant.
Determ. 48.

ted converse with, and discharge of all
 Duty and respect to his *Sovereign*; be-
 cause this is that which he oweth him by
 the bond of *Allegiance*, and the *laws of*
nature,

B.2.C.1. *nature*, humane Society and civil polity.

V. Barcl.
de potest.
Papæ, c.9.
& c. 26.

14. And the *end* of all Ecclesiastical power, being for the *good* of the Church and of Mankind, it being an authority for *edification and not for destruction*; in all the acts thereof due caution ought to be used, in avoiding the unnecessary *exasperating* those who are in *chief authority*, against the Officers of the Church, which oft occasioneth lamentable discords and contentions, And because the good of the Church consists chiefly in the advancement of *Piety*, and Religious *obedience*, of which one branch is, the honouring and *obeying superiours* and Governours; upon account of *Christian piety* all just care must be taken, that no act of *Ecclesiastical authority*, do render Sovereign Princes the more *disrespected*, and *disesteemed* of their Subjects. And upon this account also it is needful, that all Ecclesiastical Officers do carefully avoid the suspicion, of undermining the *secular rights of Princes*, which hath been inordinately done in the *Romish Church*, under the pretence of the *power of the Keyes*, and of binding and loosing.

15 And lastly and chiefly, The *manner of proceeding* in the Sentence of Excommunication, being ordinarily by a *judicial*

dicial process, and a publick Judicial Sect. 1.
 sentence; and there being no Ecclesiastical
 Court or Person, who hath any *superiour*
power or authority over a *Sovereign*
Prince, to Command or *Summon* his ap-
 pearing before them, to answer to what
 shall be objected against him; I cannot see
 how, unless by his own *consent*, he should
 become subject to such *Judicial* proceed-
 ings. The *Bishop of Rome* did indeed pre-
 sume to summon Kings before him; but
 this was an high act of his *Usurpation*.
 Whereas according to the groundwork
 now laid, a *Sovereign Prince* cannot by
 any *coactive Ecclesiastical Power*, become
 subject to such a sentence, and the open
 and outward proceedings therein. But
 still *Princes* as well as any other persons,
 must *submit* themselves to the *power of the*
Keyes, in undertaking the rules of *repent-*
tance; so far as they are needful for pro-
 curing the *favour of God*, and obtaining
 the benefit of the *Keyes* by *Absolution*; Theod. Hist. l. 5. c. 17. Sozom. Hist. Eccl. l. 7. c. 24.
 as was in a great part done, in that me-
 morable Case of *Theodosius*, upon the sharp
 rebuke of *S. Ambrose*. And though all
 Christians upon manifest evidence, may in
 some Cases see cause to disown a *Sove-*
raign Prince (as was done in *Julian*) from
 being any longer a Member of the *Chri-*
stian Society; yet in such Cases this Mem-
 bership

Y

bership

322 Publick Declarations considered

B.2.C.1. bership ceaseth, and is *forfeited* by his own act, and not properly by a *Judicial sentence*, and formal Process. And some of the Romish Writers go much this way in giving an account, how the Bishop of Rome whom they suppose to be *superiour* to all men on Earth, may by reason of Heresy or such Crimes, be *deprived of Christian Communion*.

Gr. de Val.
Tom. 3.
Disp. 3.
Qu. 15.
Punct. 3.

Heresy doth
not deprive
men of all
temporal
rights.
Valent. T.
3. Disp. 1.
Qu. 10 P.
8. & qu.
11. P. 3.
& qu. 12.
p. 2.

Layman.
The. Mor.
l. 2. Tr. 2.
c. 16.

16. Concerning *Heresy*, it might be sufficient in this Case to observe, that those who in Communion with the *Church of England*, embrace that true Christian Doctrine, which was taught in the primitive and *Apostolical Church*, are as far from being concerned in the crime and guilt of *Heresy*, as Loyal Subjects are, from being chargeable with *Rebellion*. But that assertion which some Romish Writers embrace, that *Hereticks* are *ipso facto*, *deprived of all temporal rights*, and superiority, (*eti- am ante Judicis sententiam*, say some) is necessary to be rejected. For this is a position that would ruine the *Peace* of the World, when it would put every party upon *seising* the possessions of all, whom they account *Hereticks*, as having a just right so to do. And this is certainly *false*, because *temporal Dominion* is not originally founded, in the entertaining the true Doctrine of Religion, or the Faith of Christi-

Christianity, since S. Paul required sub- Sect: 1.
jection to the Pagan Rulers, as being ordai-
ned of God, Rom. 13. 1,---7. Had this been
true, the Scribes and Pharisees, who were
guilty of Heresy, could not have sat in Moses
Seat, nor ought Constantius and Valens to
have been acknowledged, as they always
were by the Christian Church, for Sove-
rain Princes.

17. That damnable doctrine and posi-
tion, which is abjured in the Oath of Al-
legiance, as impious and heretical; That
Princes which be Excommunicated or de-
prived by the Pope, may be deposed or
murdered by their Subjects, or any other
whatsoever, is owned and asserted, even
with respect to the murdering them by se-
veral Popish Doctors, and by some of them
as a thing most highly meritorious. Among
whom also the murdering of Princes is ap-
proved, if they be only thought remiss,
and not zealous in carrying on the interest
of the Romish Church: and on this ac-
count, the horrid murder of Hen. 3. and
Hen. 4. of France, hath been applauded
and commended by divers of them. But
the wickedness of all such assertions and
practices, will be abhorred by all loyal and
Christian Spirits, and will I hope be plainly
manifested, from the following part of this
Discourse.

Suar. in
Reg. Brit.
l. 6. c. 6.
Vide Ar-
naldi Ora-
tion. cont.
Jesuitas in
Cur. Par-
lam.
Sixt. 5. in
Orat. in
Consist.
Rom. Co-
molet. in
Arnald.
Orat. ubi
sup.

B.2.C.1.

of Hereti-
cal Do-
ctrines.Ignat. ad
Trallian.

18. And whereas this Doctrine and Position is abjured as *Heretical*, the phrase *Heretical*, must be here taken in a proper and strict sense. But when the Scriptures or ancient Fathers speak of *Heresy*, or *Heretical Doctrines* strictly and properly, they thereby understand such *Positions*, which under the profession of Christianity, do so far oppose and undermine the true Christian Doctrine, as to bring those who maintain and practise these things, to the wayes of *destruction*. Thus those Doctrines were by S. Peter esteemed *damnable Hereses*, which were proposed by *false Teachers*, and were *pernicious* and *destructive*, both to them, and to those who followed them, 2 Pet. 2. 1, 2, 3. Ignatius also describeth *Heresy* to be a *strange Herb*, no *Christian food*, which joineth the name of Christ with *corrupt doctrines* (*quæ & inquinatis implicat Jesum Christum*, in the Latin published by Bishop Usher, by which the Medicean Greek, καὶ ἐὶς παρεμπλέκουσιν, which is certainly amiss, and concerning which, both Vossius and P. Junius add their different conjectures, may be corrected: for that Copy out of which this Latin was translated, seemeth to have read, καὶ συνπαροῖς ἐμπλέκ. &c.) as they who give a deadly *poysen* with wine and honey, which may please and yet kill. And

Tertullian

Tertullian accounted such assertions to be Sect. 1.
 Heresy, as undermine the *Faith*, and lead Terr. de
 to eternal *Death*; and where the Teach- Præscript.
 ers of them, though they profess the name C. 2, 5.
 of *Christ*, do corrupt his *Doctrine*, and
 are. *Adulteri Evangelizatores*. In like
 manner *S. Austin* owneth him to be an Aug. de
Heretick, who under the *Christian* name Civ. Dei, l.
 resisteth the *Christian Doctrine*, and persist- 18. c. 51.
 eth in maintaining *dogmata pestifera &*
mortifera; *pestilent and deadly opinions*.
 And when *Aquinas* treated of *Heresy*, he 2. 22 q. 11.
 declared that the import thereof is, the a. 2. O.
corruption of the Christian Faith. Nor
 would it be difficult to add a numerous
 Company of approved Writers to the same
 purpose.

19. Now since the Popes depriving Doctrines
 power hath been disproved, this Position allowing
 here abjured is not only false, but accord- Subjects or
 ing to this notion of *Heresy*, it is properly others to
 an *Heretical Position*. For this justifieth depose or
 the highest disobedience and resistance murther
 of Superiours, though the Apostle declares Princes, are
 that such shall receive to themselves damna- Heretical.
 tion. This gives liberty to the greatest
 acts of *unrighteousness* towards Princes,
 and consequently towards their Subjects,
 and the whole Community, although the
 doctrine of *Christianity* declares, that the
unrighteous cannot inherit the Kingdom

B.2.C.1. of God. It also gives way to the wicked practices of *murder*, and breaking the peace and order of the World, under most heinous aggravations, though all this be severely decryed and *condemned* in the Christian Doctrine. And it allows of the most signal instances of *perfidiousness*, notwithstanding the obligations in this Case to fidelity, from the divine Precepts; the reverence of an Oath; the respect to Gods Ordinance, by which Rulers are established; and the interest of the common good. And after all this to aver that any thing of *Christ's institution* and appointment, doth give a Warrant to, and approbation of these impieties, is a Position both *heretical* and *blasphemous*, concerning the Government of our Saviour. Now not only those assertions which directly contradict the Articles of our *Creed*, but those also which oppose the necessary *Rules* and *Precepts* of a holy life, which are a considerable part of the *Christian Faith* and Doctrine, have generally been esteemed *heretical doctrines* in the Church of God. Thus those assertions of *Simon Magus*, the *Gnosticks* and the *Nicolaitans*, whereby they gave allowance to impure and *unclean practices*, have ever been reckoned among their *heretical doctrines*. Such also were accounted the Positions condemning Marriage,

The like
Position in
the arrest
of the Parl.
of Paris
against
Chastell.
was con-
demned as
heretical.
And on
these ac-
counts is
Greg. 7.
Plerisque
Episcopis
pestifera
hæresis
visa est.
Aventin.
Annal.
Boior.
l. 5.

Epiph.
Hæz. 21,
25, 26.

Ibid. Hæz.
47. & 61.

Marriage, by the *Encratite*, and *Apotactici*, Sect. 1. and the rejecting all proper possessions and Dominion by the latter of them; with many other things of like sort.

20. But some may incline to think, that wicked assertions contrary to the Faith and Doctrine of Christianity, ought not to be accounted *heretical*, unless they be so *adjudged* and declared by a Catholick Council. Now here I acknowledge, that with respect to *external penalties* to be inflicted on Hereticks, such Rules have oft times been reasonably observed. And it must also be granted, that in what Church soever truth and a *zeal* for Religion is maintained, it may well be expected, that spurious and dangerous Doctrines which openly spring up therein, will be there *detested* and *condemned*, and the authoritative sentence of lawful Councils ought to be revered. But it cannot be, that in the inward nature of the thing, the being of an *heretical doctrine* must depend on such a Declaration. Had this been true, the first *Broachers* and secret *Spreaders* of all Heresies, how impious soever they were, could not be forthwith chargeable with Heretical doctrine. And if the *Catholick Bishops* were either wanting to their duties; or by any extraordinary emergency were in an *incapacity* of meet-

B.2.C.1. ing in Council; or else were over-voted in the Council, as it happened in the Synod of *Ephesus* concerning *Eutyches*, and in many other Heretical Conventions; this would excuse from Heresy the Teachers of the most wicked doctrines, though they propagated them and persisted in them to their lives end. And if the determination of an *Oecumenical Council* should be thought necessary, to the asserting any doctrine to be *Heretical*; then could there be no Heresies in the first three hundred years after Christ, unless it should be in opposition to the things declared in that Council, *Acts* 15. if that should be supposed general. Then also *Irenaeus*, *Tertullian*, and others of the Fathers were unadvised, in their undertaking to write against Heresies, while there never had been any such things. And then it must be asserted also that *Arius* was falsely accused of Heresy, before the meeting of the Council of *Nice*. And what in its nature is not *Heresy*, cannot be truly so adjudged.

Practices
of disloyal-
ty condemn-
ed by
Councils.

21. Yet the substance of this Position here rejected and abjured, hath been also censured and condemned by *Christian Councils*. In the beginning of the Primitive Church, it cannot reasonably be expected that such things should be condemn-
ned

ned by Councils, because no such *positions* Sect. 1.
 were then *defended* ; nor any such *wicked*
undertakings against Princes then *practi-*
sed, by the Professors of Christianity. But
 after that disloyal and treacherous practices
 were entertained, they were earnestly *cen-*
sured and condemned by divers Councils.
 In the fourth Council of *Toledo* it was de- Conc. To-
 clared, that whosoever should *violate* let. 4. c. 74.
their Oaths, made for the *preservation* of
the King, or should *attempt his death*, or
the deposing him from his Kingdom, *qua-*
libet conjuratione aut studio, by any Co-
 venant or *design whatsoever*, should be
Anathema from the *presence of God*, and
 have no Society with his *Church*. And much Conc. To-
 to the same purpose was declared in the let. 5. c. 2.
 fifth and other following Councils of *To-*
ledo. And in a Synod of all *England*, in
 which also the *Popes Legates* were present, In Conc.
 a like dreadful Curse is *denounced* against Calcu-
 them who shall violate the Majesty of Prin- thenf. an.
 ces, and also that they who shall *consent* 787. c. 12.
 to such a *sacriledge* ; as to take away the in Spelm.
 life of the King, shall perish with an *ever-*
lasting Curse, and being Companions with
Judas, shall be burnt with *eternal Fire*.
 And in the Council of *Constance*, that as- Conc.
 sertion, that an *ill governing Prince* may Constant.
 lawfully or *meritoriously* be killed, by his Sess. 15.
subject or Vassal, was condemned as erro-

nequus

B.2.C.1. *neous in faith and manners, and rejected as heretical, scandalous, &c.*

22. It is confessed indeed, that there is no particular clause in these Councils now produced, for condemning these treasonable acts, in this special Case of the *Popes pretended deprivation*: But yet the former Councils take in all Cases without exception, and no such *Papal power* was ever pretended to in those days. And though the Council of *Constance* hath a reservation, of a dangerous aspect, concerning the *sentence of a Judge*: yet since the Pope is in truth no Judge to depose Princes, the pretence hereof can no more mend the matter; than the censure of the *High Priest* against our *Saviour*, could vindicate *Judas* for betraying him, or the *Jews* for Crucifying him. Yet still it is easy to produce *several Councils* who since the appearance of this haughty *Papal claim* of deposing Princes, have with particular respect thereto, declared against this *impious doctrine*, which is detested by them who take the *Oath of Allegiance*. When this *Papal Usurpation* was first put in practice, by *Greg. 7.* against *Henry 4.* Emperour, there were Councils at *Mentz, Ticinum,* and *Brixia*, and others after them, who still condemned all those who in that Case acted against the *Emperour*. And the consideration

Apud
Brixinam
Hildebrandum
Hæreicos
condem-
nant.
Avent. l.
5. p. 460.
Ursper-
genf. ad
ann. 1080.
& 1085.

consideration of the *Popes pretence*, was also Sect. 1.
included in that general Declaration in
our own Church, against *Subjects bearing* Can. 1.
Arms against their King, upon any pre- 1640.
tence whatsoever. And these Councils
though disallowed at *Rome*, were in this
respect *truly Catholick*, because they held
to the Rules and Foundations of the true
and Primitive Doctrine of the Catholick
Church.

23. But it is unreasonable to demand, *This Here-*
that for the declaring this to be Heresy, we *tical Posi-*
should produce the determination of the *tion enter-*
present Church of Rome, against this de- *tained by*
testable Position, since the *Pope* and the *the Pope*
main part of the *Romish Church*, are the *and his Ad-*
persons who stand chargeable with *herents.*
maintaining, either the whole, or at least a
considerable part, of this *heretical position*
here abjured. For in this Position, *That*
Princes which be Excommunicated or de-
prived by the Pope, may be deposed or
murdered by their Subjects or any other
whatsoever; the two main branches do
concern the *deposing* and the *murdering*
of Princes deprived or Excommunicated
by the Pope. Touching the former, the
deposing of them, the very forms of the
Papal sentence, which I have above men- *Supra n.*
tioned, not only *allow* but require and *5. & 7.*
command that such Princes be *deposed*,
and

B.2.C. 1. and that their Subjects do *renounce all fealty* and Allegiance to them. And by the Pope, his Conclave, and their Adherents, it hath been accounted a *crime* deserving Excommunication and Death also, for Subjects to *defend their Sovereign* whom the Pope had sentenced, as was long since complained of, by some of them who maintained their *Allegiance* to the Emperour, *Hen. 4.* and were therefore by the Pope devoted to destruction.

Aventin.
Ann. Boi-
or. l. 5.
p. 460.
Epist.
Leodienf.
advers.
Paschal. 2.

24. Yet it is certain, that there have been and are divers persons, and the chief part of some Countries of the *Romish Communion*, who own not, but oppose that part of this assertion, which concerneth the *deposing of Princes*. But several Writings of this sort of men, as of *Barclay de potestate Papæ*, and others of the like temper, have undergone a *publick censure at Rome*; and their opinions are herein looked on with so ill an eye, that at *Rome* they are thought not to be altogether sound in the Roman Faith.

Le Merc.
Franc. an.
1609.

25. And touching the *depriving* such Princes of their *lives*; when Cardinal *Bellarmino* had asserted, that it was not the *Popes method*, to promote any thing against their *lives*, he explains himself, that he meant this with respect to *private assassi- nates*, and not to what might happen in the

Bel. Resp.
ad p. 66.
Apolog.
pro juram.
fidelit.

the raising open Wars. But yet concerning the more secret attempts of Parricide against such Princes: 1. Their Canons declare, that they are not accounted Murderers, who in a zeal to the Catholick Church, do kill some who are Excommunicate. 2. The horrid act of James Clement, who murdered Henry the Third of France, was applauded by Sixtus the Fifth, in the Roman Consistory. 3. The arrest of the Parliament of Paris against John Chastell, who attempted the murder of Henry the Fourth, and wounded him, was censured at Rome by a publick Edit, Nov. 9. 1609. 4. When Parry undertook to kill Queen Elizabeth, his intention was not only promoted by the Popes Nuncio's, and other persons in Venice and France; but desiring for his full satisfaction, to understand the Popes approbation, by a Letter from Cardinal di Como, which was read at his arraignment, and owned by him, he was assured, that the Pope himself highly praised and favoured his undertaking, as may appear from the Letter it self in Bishop Bilson, dated Januar. 30. 1584. And to these, other things of like nature, and of later time, might be added, which will shew that at least at some times such things as these have been encouraged at Rome.

Sect. 1.

C. 23. q. 5.
Excommunicato-
rum.

Le Mer-
cure Fran-
cois. an.
1609. f.
376.

Eliz. An-
nal. Chri-
stian. Sub-
jection.
Part. 3. p.
503, 504.

B. 2. C. 1.

But it was
declared
to be dam-
nable
Heresy by
S. Peter.

26. Yet it may be observed, that such Positions as this expressed in this Oath, were in general accounted and declared *damnable Heresies*, by one who is owned to have had doth *Apostolical and Episcopal Authority at Rome*, even by *S. Peter himself*. When he had foretold the coming in and spreading of *damnable Heresies*, 2 Peter 2. 1, 2. and declared the *destruction* that should come upon those who received them, v. 1, 3, 4, 9. he then tells us in some particulars who they are whom God will thus punish, v. 10. *chiefly them who walk after the flesh, in the lusts of uncleanness, and despise Government: presumptuous are they, self-willed, they are not afraid to speak evil of dignities.* Now the walking in the lusts of *uncleanness*, was the practical embracing the impure and *Heretical Doctrines* of *Simon Magus*, the *Gnosticks*, and others like them. And since *Government and Dignities* do very properly express *Civil*, as well as *Ecclesiastical*, or any other power; and the temper of those who are prone to *despise Civil Government*, is fitly described by their being *presumptuous and self-willed*; and *S. Jude* in the parallel place, *Jude 8, 11.* speaks of their *perishing in the gain-saying of Core*; these words may reasonably be thought, to have a great respect

to Civil Authority. And if we further Sect. 1.
consider, that among those ancient Hereticks, some under a pretence of *Liberty*, so far opposed *Dominion*, that they despised their Masters, and would not obey them; the allowing of which *S. Paul* condemns, as a great opposition to the doctrine of *Christ*, *1 Tim.* 6. 1, 2, 3, 4. and that there is some intimation of the same spirit, towards *Kings* and other Governours, *1 Pet.* 2. 13, 14, 16. and that at last this proceeded so far, that they taught that the Government of the World had its original not from *God*, but from the evil spirit, (which Position *Irenaeus* confutes) this may well perswade and manifest, that the Apostle had in this place an eye to these things. And then *this sense* must be comprehended under these words, that those assertions which eminently include the despising, disobeying, and speaking evil of civil Government and Authority (as the declaring it lawful to depose, or murder a Sovereign doth) are damnable Heresies.

Iren. adv. Hazref. l. 5. c. 24. Terrul. adv. Valent. c. 22.

27. I only add, that pertinaciousness, which is included in the description of an Heretick, having respect to the temper of the person, who embraceth Heretical Doctrine, is not needful (though it be also in this Case sufficiently

B.2.C 1. ently evident) to prove a Position to be Heretical.

Of absolv-
ing from
the Oath of
Allegiance.

28. I shall not insist particularly on that Clause in the Oath of Allegiance, *That neither the Pope, nor any person whatsoever, hath power to absolve from that Oath;* because this must stand and fall with the *deposing* power. For the *absolving* Subjects from the Oath of Allegiance, must be presumed to be to this end, that such persons should be no longer obliged to *acknowledge* the Authority, or *perform* the duty, which is therein expressed and contained: and the best of their own Writers do found the Popes Authority of *dischargeing* Subjects from such Oaths and Duties, upon the effect of his *deposing* or *depriving* power. And it must be granted, that if the Pope cannot *depose* a Prince, as is sufficiently evinced that he cannot; then Princes have a right of *governing*, notwithstanding all the Pope can do, and his Subjects are then bound by the divine law, to perform *Allegiance*, though they should never have taken any special Oath to that purpose. But if the Prince could be indeed *deposed* by the Pope, and consequently hath no longer a *right of governing*; I acknowledge that *any other man* as well as the Pope, may pronounce the Duties and obligation of *Subjection* to cease;

cease, towards him who is no longer their Sect. 2.
Ruler and Governour.

SECT. II.

Of the Unlawfulness of taking Arms, upon any pretence whatsoever, against the King.

1. The more general acknowledgment, for the preservation of the Kings safety is, *That it is not lawful upon any pretence whatsoever, to take Arms against the King.* And that I do abhor that traitorous position, of taking Arms by his Authority against his Person, or against those that are commissioned by him. This profession is required by the Act of Uniformity to be made by all the Clergy, and the same thing in sense, is enjoined upon all civil and military Officers. And here I shall distinctly consider the several clauses; which are all to be interpreted, with respect to the end and design of them, which is the preservation and just security, of the Kings person and Government, and the due performance of the Subjects Loyalty.

2. The first clause, *That it is not lawful, upon any pretence whatsoever, to take Arms against the King,* is the chief and

Of the unlawfulness upon any pretence to take Arms against the King.

Z

principal

B.2.C.1. principal part of this acknowledgment : which in the due latitude of its sense, doth include what is more particularly expressed in the following words. And the sense of this is nothing more , than what the *Church of England*, and the eminent members thereof , hath constantly acknowledged. Our Homilies teach, that it is not lawful for inferiours and subjects in any Case , to stand against and resist the superiour power. And in the Canons 1640. it was declared, that for Subjects to bear Arms against their Kings , offensive or defensive , upon any pretence whatsoever , is at the least to resist the powers, which are ordained of God : and though they do not invade , but only resist , S. Paul tells them plainly , they shall receive to themselves damnation. And to the same sense the *University of Oxford* hereafter mentioned.

Hom. of O-
bedience.
Part. 2.

Can. 1.
concerning
Regal
Power.

3. This clause of acknowledgment, being framed and enjoined by an *English Parliament* , not without respect to the disloyal and unchristian proceedings in this Nation, and tendered to *English Subjects*, and relating particularly to the King, not indefinitely to any King ; can bear no other rational construction , than to condemn the *English Subjects* taking Arms against their natural Sovereign, the King of England. And therefore , though the like

like attempts against any other *Kings*, who Sect. 2.
 enjoy *Sovereign Authority*, are equally
 blameable in their Subjects; yet this Posi-
 tion doth not assert the utter unlawfulness
 of *taking Arms*, amongst any other Na-
 tions, against him who hath the title of
King, if he doth not therewith enjoy
 that right of *supreme Government*, which
 our *Kings* have and exercise. And there-
 fore in such a Constitution of Government
 as the *Lacedemonian* was, in which *Pau-* Plut. in
sanias had the title of a *King* under the *Paulan.*
Ephori, but with as much distance from
Royal Power and Supremacy, as was in the
 military *Imperator*, or General among the
 Romans, from the Dignity of an *Emperour*;
 we are not concerned to determine any
 things concerning their Rights. The like
 condition of the *Kings of Tabrobana*, is Plin. Nat.
 mentioned by *Pliny*; and others have given Hist. l. 6.
 somewhat a like account concerning some c. 22.
 other places. But against a *Sovereign*
Prince, all open Hostility, and secret trea-
 chery in his Subjects, is Universally to be
 esteemed utterly *unlawful*.

4. And it might be wished, that there *Violence*
 had never been in *England*, or elsewhere, *hath too*
 any such treacherous and disloyal *actions*, *oft been*
 or *assertions* (from which the true Friends *offered to*
 of the *Church of England* have been free) *Princes.*
 as should render it exceeding needful, to

B.2.C.1. make use of the greatest care and caution, for the preservation of the *persons of Princes*. But alas! the wretched *practices* against our late *Dread Sovereign*, are equally manifest and horrid: and the too forward proneness of vicious men to entertain *rebellious designs*, both under Paganism, Judaism, Mahometanism, and Christianity, might afford matter enough for *multiplied Tragedies*. I shall forbear many instances which might be given, both in our own and many other Kingdoms, and shall only reflect on that temper and spirit, which hath prevailed in *Rome* and *Scotland*,

De Civ.
dei, l. 3.
c. 15.

Suet. in
Calig.
n. 58.
Claudio
n. 44.
Ner. n. 49.
Galb n. 19.
Othon.
n. 11.
Vitell.
n. 17.

5. In the first rise of the Roman Power, it was observed by *S. Austin*, that of their *Kings* which reigned before the Consuls, there were only two, *Numa Pompilius*, and *Ancus Martins*, who died of any Disease, if so much may be affirmed of both them. And *Suetonius* who writeth the lives of the twelve first *Cæsars*, sheweth, that besides *Julius Cæsar*, and *Domitian*, no less than six of them who immediately succeeded one another, even all from *Tiberius* to *Vespasian*, had their Deaths procured either by *secret treachery* or open *assaults*: and that there were *suspensions* concerning, and frequent *Conspiracies* against others of them. And of later times, omitting many other instances, and the *Rebellions* in other Countries

Countries which was the fruit of the do- Sect. 2.
ctrine, propagated from Rome since Greg. 7.

I shall only add, that though *Ancona* be under the Government of the Popes Officers, and lies near the Gates of Rome, the Inhabitants thereof are complained of, in one of the Summaries of their *Canon Law* to this purpose, *soliti sunt rectores interficere, it is usual with them to kill their Governours.* And it hath been observed, that the Scots in the succession of somewhat above an hundred Princes, have killed betwixt thirty and forty of them

Extrav.
Joh. Tit.
12. c. 1.

6. And hence it may appear, that that Genius and temper which hath too much prevailed in Rome and Scotland, was such as disposed them to shew no very great respect unto Princes: and this may possibly have had some influence upon the Conclave in the one, and the Kirk in the other. And indeed where bad notions or inclinations get a through entrance, they are apt to propagate, and are not easily rooted out. Thus S. Hierome observes, that *Galatia*, which too readily embraced corrupt doctrines in the Apostles times, notwithstanding S. Pauls Epistle to them, continued to be a place prone to Heresy unto his time. And the Church of Corinth was so apt to fall into Divisions and Schisms, that notwithstanding the Apostles severe

Hier. Pro-
cem. in
lib. 2. Com-
ment. ad
Galat.

B.2.C.1. rebukes of them for that sin, they were soon
 Clem. after his Death, strangely *over-run* with it
 Rom. Ep. again, to the great disparagement of their
 ad Cor. Christian profession.

7. Of the undutiful carriage of the *Kirk of Scotland*, I gave a considerable, and known instance, in the former Book. And that they at *Rome* do cast high disrespectts, and create great danger to Princes, may be discerned both by the former Book, and by the foregoing Section.

8. And besides these matters of *fact* and *practice*, it hath been manifest, that many wild, extravagant, and *disloyal Positions*, which are dangerous and destructive to Government and humane Society, have been asserted by men of a *Fanatick strain* and temper; of some of which I shall have occasion to take more particular notice, in the progress of this discourse. Some of them assert, that the *people* in general may take the Power and Government into their own hands, and *deprive* and punish their *Governours* when they see cause; others grant this power only to the persons who are the *peoples representatives*, others fix the same in *inferiour Officers*, with respect to the supreme Governour. And others have run on so far, as to yield this power to the *meanest part* of the *people*, as was asserted by an Anonymous Scotch-

*Positions of
 Fanaticism
 and Jesui-
 tism disloy-
 al.*

De Jur.
 Mag. in
 Subd. qu.
 6. Junius
 Brut Vind.
 Qu. 2.
 Ruthert. of
 Civil Poli-
 cy. Qu. 9.
 31, 32. &c.

Scotchman about the time of the *Galloway* Sect. 2.
Rebellion, That in the *right of self-defence*,
the concurrence of the *Nobles*, or the *Primo-*
res Regni, is no way of absolute necessity.

9. And amongst the Papists, they who
are of the *Jesuitical strain*, do not only
embrace those Notions of the *Popes depo-*
sing power, to the great prejudice of *So-*
veraign Princes Authority and safety :
but they also run into the highest strain of
Fanaticism, in violating the Majesty of
Kings, and subjecting them and their Au-
thority to the people. Thus *Mariana* De Rege L.
when the Prince is accounted by the peo- I. c. 6.
ple to pervert his Government, alloweth
to them the liberty of *publick resistance*
by open War : and also the use of *private*
violence, commending the treasonable
Murder of *Henry III. of France*, by *James*
Clement, and allows every man to set
himself against such a Prince, whom he
calls a Tyrant, saying, *tanquam fera omni-* Ibid. c. 3.
um telis peti debet. He also (such are
the wicked and wretched Principles of
these Jesuits!) approveth the use in this
Case of *deceit* and *fraud*, yea and of *poy-*
son, by poysoning his Seat or Cloaths. But
that we may think there is something of
Conscience remaining in such a Spirit as
this: he condemns, and declares against the
giving such a person *poyson*, in his *meat*, Ibid. c. 7.

B.2,C 1. and *drink*, for his doughty reason, because it is, saith he, against humanity, that he should be put upon contributing to his own Death, by any act of his own, which he would here do, by taking this poyson in his food. But sure this mans *reason* was as far from him as *Conscience*, when he wrote these things, in his not discerning, that there was altogether as much done, in *contributing* to his own death, by putting on his *poysoned Cloaths*.

Less de
Just. & Ju-
re, 12.c.9.
Pub. 4.
Becan. de
Jure, &
Just. ad
Qu. 64.
D. Thom.
sq. 4.

10. And *Lessius* and *M. Becanus*, two other Jesuits, in this particular agree almost word for word with one another, in asserting these Positions. That a Prince who hath a just title, becomes a *Tyrant* with respect to the *administration of his Government*, when he designs in his Government, and aims at his *private advantage*, and not the publick good, and burdens the Commonwealth with unjust exactions, sells the Offices and places of Judges; and makes Laws to his own advantage, and not the publick. That when this Tyranny is no longer fit to be born, *this Prince is first to be deposed*, or to be declared an *Enemy* by the Commonwealth, or the chief Estates of the Kingdom, or by any other who hath Authority, and then he thereby ceaseth to be a Prince, and it becomes lawful to attempt any thing against

against his person and life. That so long Sect. 2.
as he remaineth a Prince (that is, till such
acts be done as are now mentioned) he
may not be killed by private persons, un-
less it be for their necessary self-defence.
And Lessius saith, in another place, for the Dubit. 8.
further clearing his sense in this particu-
lar, that for the necessary defending a
mans own life, or securing himself from
being maimed, it is lawful to kill him
who sets upon him himself, or procures
another to do it. And this, saith he, must
be owned allowable against any superiours
whatsoever, even that a Vassal may in this
Case kill his King: unless it be likely that
civil Wars may follow for discord about
succession. And in such an high strain of
treason and Unchristian disloyalty, is the
Jesuits Casuistical Divinity! But against
the falshood and wickedness of these asser-
tions, it is needful to declare, and defend
the true and peaceable principles of Rea-
son and Christianity; and against the dan-
gerous effects which such positions tend to
promote, it is necessary that publick laws
provide due security for the person of the
King, to which purpose the general ac-
knowledgment of the unlawfulness of ta-
king up Armes against him, is of very good
use.

The Laws
of England
condemn
all war
against the
King.

II. Our English Laws providing for
the

B.2.C.1. the safety both of King and Subjects, and the preservation of their just Rights, do declare it universally unlawful to make or *levy any War* against the King. And upon this account it must also be as much against *reason* and *Christianity* (yea more, both because of the greater Duty to Superiors, and the concern of the general good) to *invade* that Right and Royalty, which the *Law* secures to the *King*, as to deny to Subjects that *property*, right and safety, which the *Law* provides for them. I confess the consideration of our *Law* in matters of doubtfulness, difficulty, or *profound disquisition*, would be an unfit undertaking for my *profession*, and especially for a man of no deeper study in the *Law* than my self. But I am perswaded, that if no men had made use of subtil Artifices, and designed methods, to obscure plain things, there would have been no want of evidence, even to any ordinary understanding in this particular, to direct them to the honest practices of their Duty in *loyal obedience*. And indeed it would be an high reflexion on the Laws of our Realm, if such things as these should be acknowledged to be matters of such a perplexed intricacy, that honest and indifferent minds, who stand obliged to the practice of peace and *loyalty*, should not
without

without consulting skilful Lawyers, be Sect. 2.
able to understand the general rule of their
Duty, and to whom they ought to yield
obedience and *submission*.

12. Besides the words of this *publick*
Declaration and acknowledgment, against
lawfulness of *taking Armes*, which yet
might be accounted sufficient; in the Sta-
tutes in the time of King *Edward III.* ^{25 Edw. 3.}
it is declared, without allowance of any
case or pretence to the contrary, to be
Treason, if any man do *levy War* against
our Lord the King in his Realm, or be
adherent to the Kings Enemies in his
Realm, giving them *aid or comfort* in the
Realm or elsewhere. And since the restau- ^{13 Car. 2.}
ration of his present Majesty, it is also in ^{1.}
general terms declared *Treason*, to *levy*
War against the King, within the Realm
or without. And to cut off all pretences,
either from the nature of the War as *de-*
fensive only, or from the authority of a
Parliament, or of the Lords, or Com-
mons, we have in two several Statutes this
Declaration, *That both, or either Houses* ^{13 Car. 2.}
of Parliament, cannot, nor lawfully may, ^{6.}
raise or levy any War, offensive or defen- ^{14 Car. 2.}
sive, against his Majesty, his Heirs and ^{3.}
lawful Successors. In which Statutes also,
the sole supreme Command and Govern-
ment of the *Militia*, is declared by the
Law

B.2.C.1. Law of England, ever to be the *undoubted right* of his Majesty and his Predecessors, Kings and Queen of England.

Grot. de
J. B. & P.
L. 1. c. 4.
n. 13.

13. And from the Declaration and evidence of these *Laws*, that Plea which hath been made, from the Authority of *Grotius*, becomes wholly void. That learned man indeed did assert, that if the *supreme Government* be part in the people or Senate, and part in the King: if the King invade what is not his right, he may be opposed with just force, because he hath not so far any *Supremacy*. And this he thinks must take place, though it be said, that the *power of War* is in the King; for that, saith he, is only to be understood of *Foreign War*, when whosoever hath any part in the *supreme power*, cannot but have a right to defend that part. But these words seem very strange and inconsiderate, from so intelligent a person, if they be intended, as they seem to be, concerning one simple and *unmixt Supremacy*. For to assert two capacities where each hath authority to make *War* with the other, is not to found one only *regular Government*, but to erect two *distinct Governments*, each of which have a *supreme power of judging and of execution*. Indeed in such a mixt and *divided Government*, as is in the German Empire, it

it is allowed by the Constitutions and *Ca. Sect. 2.* *pitulations of the Empire*, that the several Principalities, or rather the Princes and Governours thereof, have a power of *taking Armes*, if their rights be invaded by the *Emperour*: but then these Princes in their own Territories, enjoy a right of *peculiar Sovereignty*. But if the whole of this *notion* of *Grotius* be taken together, it will according to his judgment conclude, that the *people of England*, Lords, Commons, or both jointly, have no part in the *supreme power*; because these publick Laws declare, that they have no power of making so much as a *defensive War*, against the *King*.

14. And if we look into the *Records* of the former Ages, we may thence discern, that no *Subjects* whatsoever of this Realm, had under any pretence an authority to *bear Armes* against the *King*. To which purpose it may be sufficient to consider the Conclusion of the *Barons Wars*, in the latter end of the Reign of King *Henry the Third*. Very many of the *Peers* and chief *Barons* of the Realm, undertook to make *War* with the *King*, under the Conduct of *Simon de Montfort* Earl of *Leicester*, whom *M. Paris* calls *Baronum* *M. Paris*
Capitanem, and after several Battels had *An. 1264.* been fought, the *Kings* person was seized
and

B.2.C.1. and taken at *Lewis*. And not long after this, the King summons a *Parliament* at *Winchester*, in which all those who acted under, or with *Simon de Montfort* are *disinherited*: which act of *disinheriting* is reported to have been confirmed, in a following Parliament at *Westminster*. But in order to the settling the State of the Realm upon more mild and gentle terms, by agreement between the *King* and the *Barons*, a Plenipotentiary Power was delegated and committed to twelve Peers, that they might establish what they thought fit and convenient, concerning them who thus stood *disinherited*.

An. 51
H. 3. Dist.
de Kenilw.
c. 2.

15. These twelve published their determination, which had the force of a Law, under the name of *Dictum de Kenilworth*. In which it was concluded, that they who had been engaged in *Armes* against the *King*, unless the King had pardoned them, should pay the revenue of their lands for five years. And they who had no Lands, were to give their own Oath, and to find other *Sureties* for their peaceable behaviour; and also make such satisfaction, and undergo such penance as the Church should appoint. And that they who were *Tenants* should lose their right in their *Farms*, saving the right of their *Lords*. And that they who by their perswasion did

Ibid. c. 9.

C. 11.

did instigate any to fight against the King, Sect. 2.
 should forfeit the profit of their Lands for
 two years ; with many other provisions for
 particular Cases. And they also determi-
 ned, that if any persons should refuse these
 terms (which were proposed as a favour- C. 29.
 able mitigation of strict justice) they
 should be *de exheredatis* , and have no
 power of recovering their Estates. But some
 persons and particularly Simon de Mont- C. 21:
 fort himself, was excluded from these terms
 of favour , and left to the ordinary pro-
 ceedings of justice, *in manus Regis*. Now
 those practices and enterprises which were
 so publicly censured, condemned and pu-
 nished, by our Parliaments, and proceedings
 of justice , must needs be accounted by
 them unlawful *actings*.

16. In the year following An. 52 Hen.
 3. the Statute of Marlbridge mentions it , <sup>St. Marl-
 bridge,
 c. 1.</sup>
 as a great and heavy mischief and evil, that
 in the time of the late troubles of England ,
 many Peers and others, refused to receive
 justice from the King and his Court , as
 they ought to have done (which is more
 expressly contained in the Original Latine ,
 than in the common English Translation,
*justitiam indignati fuerint recipere , per
 Dominum Regem & curiam suam , prout
 debuerunt & consueverunt*) and did un-
 dertake to vindicate their own causes of
 them-

B.2.C.1. themselves. Now to declare that all Peers, and all other persons, ought to have *received justice* only from the *King* and his Courts; and not to revenge themselves, or be Judges in their own Cases; doth more especially condemn the entering into *War* it self, which is an undertaking founded upon a direct contrary proceeding. And thus far we have a sufficient *censure* in our English Laws, upon that *War* against the *King*, which those who have pleaded for the lawfulness of Subjects taking *Armes*, do account the most plausible instance for their purpose, which our *Chronicles* can furnish them with. And it is needless to go about to prove, that many other *Conspiracies* and *Rebellions*, have been justly condemned and *punished*, according to their demerit.

Some pre-
tences short-
ly reflected
on.

17. And whereas unchristian and evil actions, may oft be carried on under some fair *colours* and *appearances*; all such *pretences* for taking *Armes* against the *King*, are in this *acknowledgment* disclaimed: the truth of which will be justified in the following Chapters. And I shall here only shortly reflect upon some few of those *pretences* which are commonly made.

18. Some have accounted the defence of *Religion*, to be a sufficient Warrant for taking *Armes*. But if the *Christian Religion*

gion giveth a right to him who professeth Sect. 2.
it, to defend himself and his profession,
against his Superiours by *Armes*; then
must not our Religion be a taking up the
Cross but the *Sword*, and it would then be
perfectly unlike the Religion of the *primiti-*
ve Christians and Martyrs, and would be
no longer a *following of Christ*, our Lord
and Saviour.

19. Others have asserted the *defaults* Jun. Brut.
and *miscarriages* of Superiours, to be a Vindic.
forfeiture of their Power and Dominion; Qu. 1. & 3.
even as a *tenure* may be forfeited; upon
the non-performance of the conditions up-
on which it is held. But though God may
justly as a punishment of Offenders, *de-*
prive them of what good they here pos-
sess; he hath not made inferiours the
Judges of their Superiours, nor can any
such forfeiture devolve on them. And he
who considers the great *viciousness* and
cruelty of *Saul*, of *Tiberius*, and of *Nero*,
under whose Reigns the Holy Scripture
presseth the duty of Allegiance, will thence
discern, that the making such a *pretence* as
this, is contrary to true Religion, and
Christianity.

20. By many the defending of the
rights, freedoms and *liberties* of the Sub-
ject, hath been esteemed the most specious
pretence of all the rest. But whereas there

A d

are

B.2.C.1. are other better wayes to *preserve* these rights, which are most *violated* by Wars, and intestine Tumults and Broils: it cannot easily be thought probable, that he may be a judge and *avenger* of his own cause by force, against his *superiour*, who may not be so against his *equal*. And since the tenderness of *David's* Conscience was such, that notwithstanding the many undeserved *injuries* he sustained, he durst not *stretch out his hand* against the Lords *appointed*; and *Peter's* drawing his Sword to defend his Master, was severely rebuked (of which things more hereafter) the management of this objection must proceed from a Spirit contrary to that of pious *David*, and to the *doctrine* also of our Lord and Master.

SECT. III.

Of the traiterous Position of taking Arms by the Kings Authority, against his person, or against those who are commissioned by him.

1. The other clause in the forementioned Declaration or acknowledgment, is intended against another particular presence of taking Armes: and is this, *That I do abhor that traiterous Position, of taking*

taking Arms by his (the King's) authority, Sect. 3.
 against his person, or against those that are
 Commissionated by him. The Position or
 assertion here rejected, is thus expressed
 in the Oath to be taken by the Lord
 Lieutenants and Souldiers: *That Arms* ^{14 Car. 2.}
may be taken by the Kings Authority (viz. ^{3.}
though the King never own them, or
give any Commission for them, yea though
they be) against his own person, or against
those which are Commissionated by him.
 And his Position, exposing the sacred per-
 son of the King to the highest danger,
 and being against the safety of his life and
 Crown, is justly declared to be traiterous;
 and it standeth chargeable with these e-
 normities.

*Taking
 Arms by
 the Kings
 Authority
 against his
 person dis-
 claimed.*

2. First, It is so unreasonable, as to be
 against the common sense of Mankind.
 Would it not look strange, and be account-
 ed a prodigious thing, to see a Company
 of *Children or Servants*, beat and abuse
 the person of their *Father or Master*, dis-
 possess him by violence, and possibly at last
 to confine and murder him; and yet to
 expect that all men should believe, they
 did this for the preservation of his *Right*
and Government, and in obedience to his
Authority; yea, though he plainly decla-
 red and protested against these things; as
 being heinously injurious and unnatural:

A a 2

And

B. 2. C. 1.
Judic.
Univerf.
Oxon. de
foedere,
p. 66.

Hift. of
Civil Wars
of France,
l. 5. an.
1588.

And it is no lefs unaccountable to pretend the *Kings Authority*, for taking Armes againft his *perfon*. This is, as it hath been expreffed a like contradiction in fenfe, reafon and polity, as *Transubftantiation* is in Religion; both which muft fuppose fuch a prefence, as is impoffible to be there; and is contrary to the plaineft evidence. This pretence of the *Kings Authority* againft his *perfon*, was hatched under the Romifh Territories, and made ufe of in the *Holy League of France*. In the *Gui-
fian* attempts againft *Henry the Third*, it hath been related as a matter of wonder to the common fenfe of men, that they fhould befiege the *Loure* where the King was, and yet this fhould pafs under the difguife of *obeying the King* and *defending the King* and Country. That the name of the *King* doth denote the royal *perfon* who governeth, is the general apprehenfion of Mankind. And it is vainly pretended that all the proceedings of *juftice*, being always in the *Kings name*, and by his Authority, when many of them are not particularly known to his *perfon*; muft require the forming fuch a legal *Idea* or Notion of the King as is diftinct from his *perfon*: but this fupposeth the Sovereign Authority to be in his *Royal perfon*, under whom and from whom, other Minifters of Juftice do execute

cute their several Offices. As when any Sect. 3.
man intrusts another, to manage any part
of his business and affairs in his name, and
by his authority, this doth not make the
man who commits the trust, to become an
Idea or Notion, distinct from himself or his
person.

3. Secondly, This strained perverting
of plain sense in this particular, is not only
against the security of the *King*, but may
upon the same foundation become *fatal*
to the lives of the *Subjects*. For whereas
some who managed this conceit, did assert
in plain words, that even the Statutes
which condemned *treason* against the King,
had respect to the *King* in this Novel *Idea*,
as intending thereby the *Laws* and the
Kings Courts of *Justice*: it is easy to dis-
cern, that any *Subjects*, who shall stand in
the way of such an ill-defigning party of
men, or shall displease them, may easily be
charged with *treason*, and thereby be cut
off, upon pretence of opposing the *Laws*
and *Government* when the very discharge
of honesty and integrity may be so account-
ed.

Manual
concerning
some privi-
ledges of
Parl. p.
16, 17, and
p. 60.

4. Thirdly, They who made use of this
Position, did give the World sufficient
proof, that it was only a *designed pretence*,
to serve a *present turn*. For when in our
late sad commotions, they used the Plea of

B.2.C.1. the *King's Authority*, in acting against his person, before they had murdered his person; they then laid aside also all pretence of reverent regard to the *Kings Authority*, and by several Acts as they were called, declare the *supreme authority of England* to be in the *Commons*, not at all regarding this Ideal Authority of the King; which if they had been true to their own notion, must have been acknowledged still remaining. And they then required the *Engagement* to be taken, to be *true and faithful*, (not to the *Kings Laws and Government*, according to their own Idea, but) to the *Common-wealth of England, without King, &c.* Which is evidence enough, that those men intended as much to act against, and oppose the true *Regal dignity* and authority, as the person of that excellent Prince: and that this distinction was not only void of *truth and justice* in it self, but of *honesty* and good meaning also, in these contriving men, who were the maintainers of it.

Taking
Arms a-
gainst them
who are
Commission-
ated by
the King,
unlawful.

5. The last part of this Clause of the acknowledgment, hath respect to them who are *commissionated by the King*: the sense of which must be measured from the intent and tendency thereof; which is to secure the *Kings safety*, and Government, and to maintain the Subjects *true allegi-
ance*

ance and fidelity. And therefore I doubt Sect. 3.
not to aver, that the use of quirks and niceties, in supposing some extraordinary Manual. p. 102.
Cases, which are inconsistent with these duties, and which we may well presume or hope may never be in act, ought not to be considered in making this acknowledgment. Wherefore to suppose that the person of any King of *England*, should be violently surprized and seized by any seditious, and ill-designing men (which I trust will never come to pass) and they should by force or fraud, extort *Commissions* from him, against his loyal Subjects and Friends: this acknowledgment concerning the ordinary duty of Subjects, doth not take in such extraordinary fictions of imaginary Cases, which are not fit to be supposed; but they who are the Kings regular Officers, ought to resist such evil men who offer violence to his person, for the good both of the King and Kingdom.

6. And also that Case which some put, of the King granting a *Commission*, against the legal power which he hath committed to a *Sheriff*, or against any other *Commission*, which himself hath given, and doth continue to other Officers; is such an unreasonable and undutiful supposition of *cross Commissions*, which no good Subject ought to make, or to consider in this

B.2.C.1. *acknowledgment.* Only in such an extraordinary Case, where any persons whosoever in any Office or Commission, shall become Authors or Abettors of *Sedition or Rebellion*, and oppose the *Kings Authority* and Government, it is reasonable to be expected that the King will grant *Commissions* to suppress and reduce them. And since no Office or *Commission*, either can, or is intended to warrant any man to act against his *Loyalty* and Allegiance; such revolting Officers ought to be *opposed* by them, who are impowered and commanded by their Prince so to do, nor is it to be supposed, that this *acknowledgment* doth at all assert the contrary. But the true sense of this clause is, that it is a *traiterous design*, and therefore to be *abhorred*, for the Kings Subjects, without any *command* from their Prince, to *take Arms* against those, who act by virtue, and in pursuance of his *Commission*, regularly granted to them. And that these words of this *acknowledgment*, may be reasonably taken in this fair and *just sense*, is evident from the result of what I have above discoursed, concerning the sense and *interpretation* of such publick Declarations.

B.1. Ch.6.
Sect. 1.

7. And it was reasonable for the avoiding evasions, that this *acknowledgment*,
condemning

condemning the *taking Armes* against Sect. 38
 them who are *Commissionated* by the King,
 should be declared in such general terms.
 If only taking Arms against the *Kings*
person, should be disclaimed in a strict
 sense, then the *fighting the Kings Ar-*
mies, destroying his Subjects, *resisting* his
 Government, and those who are invested
 with his Authority, which are the usual
 methods of the most open and *daring Ene-*
mies, would not be provided against. But
 these are the highest *oppositions* against
 the King, which the most disloyal Subjects
 can ordinarily make, by taking up *Armes* ;
 who cannot probably act immediately
 against his *person*, unless they can first van-
 quish those *Loyal Subjects*, who are his
strength and defence. Bishop Latimer Fourth Ser-
 tells us, that when he was in the Tower, mon before
 a Lord who had been engaged in *Rebel-* King Edw.
 lion, told him, *If I had seen my Sove-* 6.
raign Lord in the Field against us, I
would have lighted from my Horse, and
taken my Sword by the point, and yielded
it into his hands. To whom the Bishop
 replied, *It hath been the cast of all Trai-*
tors, to pretend nothing against the
Kings person: Subjects may not resist any
Magistrate, nor do any thing contrary to
the Kings Law. And the Imperial Law
 declares, that all and every of them, are
 Rebels

B.2.C.1. *Rebels or Traitors, who in any wise publicly or secretly, do the works of Rebellion, against our honour, or their fealty, and do enterprize any thing against the welfare of our Empire, contra nos seu officiales nostros, in its quæ ad commissum eis officium pertinent, rebellando, by rebelling (or taking Arms) against us, or our Officers, in those things which belong to the office committed to them.*

Extravag.
Henr. 7.
Tit. 2.

CHAP.

CHAP. II.

The Laws of Nature and of general Equity, and the right grounds of humane polity, do condemn all Subjects taking Armes against the Sovereign power.

SECT. I.

The preservation of peace and Common rights, will not allow Armes to be taken in a Kingdom, against the Sovereign Prince and Governour.

I. **T**Hose *Laws* do carry along with them the strongest obligation, which are not only established by a *positive constitution*, but are also enforced by the common and necessary *Rules of justice, truth, righteousness, and order.* For here is a joint tye from the Bond of *obedience* to Superiours, of *Religion* to God, and of the general Principles of *equity* and reason. Of this nature is the duty of *non-resistance* against Sovereign Rulers, which our *Laws* establish. And the doctrine of our Church doth so far assert this, that it

Rules of common equity are against Subjects taking Arms. Bishop Ferne Episcop. and Presbyter. considered.

was

is contrary to *Laws of Nature and Equity.* 365

Governours, neither *justice* nor *peace* can be Sect. 1.
sufficiently provided for, by the authority
of that Government.

3. For if it be allowed lawful, for Subjects in any Case to *take Arms* against their Sovereign, this must include a right in them of *judging* whether their present Case be such, in which they may lawfully *resist* or no. Otherwise they must either have a general power of *resistance* and taking *Armes*, without distinction of any Cases; to assert which, would be all one as to declare them to be *no Subjects*, or under no Government: or else they must *resist in no Case* at all. But to assert, that the people or inferiours, are of right *Judges* of the Cases, in which they may *resist* their Superiours, is as much as to say, they are bound to *Subjection* only so far as themselves shall think it fit; and that they may *claim an Authority* over their Governours, and pass *judgment* upon them, and *deprive* them of their dignity, authority and *life* it self, whensoever they shall think it requisite and needful. But this cannot be otherwise than a foundation of great and general *confusion* in the World. And as the general proceedings of *justice* are stopped, whilst there is any open violent opposition to that power which should administer it; so the particular *decisions* thereof

*Subjects no
fit Judges
of their Su-
periors.*

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B.2.C.2. thereof must needs prove ineffectual, where the execution of them may be resisted by force, in any notable Case, concerning a popular person.

4. And besides this, the *judgments* of the common sort of men are so apt to be *imposed upon*, and are many times so partially affected, and linked to that which they esteem their *own interest*, that even under the best Government, they are frequently prone to conceive themselves greatly injured, when they are not; and to make grievous *complaints* and out-cries against their Superiours, without just cause. It is truly said in our Homilies, *Some Subjects or other mislike even the best Government, and wish a change.* And it is rightly asserted by *Philo*, that even *plenty and prosperity* sometimes dispose the generality of men, to be *insolent* against their Superiours, and their established Laws. And where the persons who promote these discontents are *popular men*, dissatisfactions and unquietness of temper oft spreadeth more than can well be imagined: the minds of many men being enclined to *pity* and believe them, who complain of *injury* or hard measure; and in these circumstances to join with them, as acting their *common interest*. And how *unsafe* all Government would be, and how *unfixed* and

Hom. a-
gainst
Rebell.
Part. I.
Phil. de
Vit. Mos.
l. 1.

Disconten-
ted minds
are apt to
be unquiet
under the
best Govern-
ment.

is contrary to *Laws of Nature and Equity.* 367

and tumultuous a state, the World is like Sect. 1.
to be in, if Subjects were in any Case, and
upon any *pretence* allowed to take *Arms*,
will appear by considering some *remarkable instances*, where (besides what our
own Nation may afford us) I shall men-
tion two from the Holy Scriptures, as
known and certain accounts of *matters of fact*.

5. The first instance is concerning the *Government of Moses*. He was *faithful* They were
so under
Moses.
in all Gods House, a man of singular integrity and meekness, and a great friend to
Israel. His conduct over the Israelites was
accompanied with various *miracles*, and
admirable and extraordinary *deliverances*
and *preservations*, which they received
under him. While he guided *Israel*, the
dreadful *presence of God* on Mount *Sinai*
was manifested to them, and a constant *visible Symbol* of his presence was continued
amongst them. And the same and honour
of *Moses* was so great, that even the *Gentile Historians*, in some after Ages, took
considerable notice thereof, as hath been
observed by *Josephus*, *Eusebius*, and other
ancient Writers. And at that time God had
also signally testified his chusing *Aaron* and
his Family, to the *Priesthood*, both by his
especial Command to *Moses* concerning
them, and by the *Fire*, which in the pre-
sence

Joseph.
cont. *Api-*
on. l. 1.
Euf. pr.
Ev. l. 9.
c. 26.

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B.2.C.2. fence of all the people, came from *before the Lord*, upon the Altar and Burnt-Offering, at the first time of *Aarons* Ministration, *Lev. 9. 24.* Yet in this Case, *Corah, Dathan, and Abiram*, pretended themselves *grievously wronged*, and appeared to plead the *Religious rights* of the whole Congregation, that they were *all holy* as well as *Aaron*, *Num. 16. 3.* and to defend their *civil priviledges* against *Moses*. Him as the Scripture intimateth, and *Josephus* particularly expresseth, they accused of *tyranny*, and charged him with a design of *destroying, and ruining* the Congregation of *Israel*, *Num. 16. 13.* and that this was so apparent, that unless mens eyes were put out, they could not but see it, *v. 14.* And these unjust and unreasonable out-cries were so taking, that presently two hundred and fifty Princes of the Congregation, took part with these men, *Num. 16. 2.* and not long after, the whole body of the Israelites were gathered against *Moses and Aaron*, *v. 19.* And as *Josephus* represents it, they were taught by *Corah*, that it became them to *inflict punishment* upon such persons, who secretly designed their *destruction*, that so they might not suffer the *utmost violence* from them.

Jof. Ant.
Jud. l. 4.
c. 2.

Ibid.

6. And it is wonderful to observe, how far

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far these bold and confident Speeches and Sect. 1:
popular pretences, did prevail, even after
God had manifested his abhorrence of
them, by the dreadful judgment of the
Earth opening its mouth, and swallowing
up *Corah* and his Company, *Num.* 16. 32,
33. and by the *Fire* from the Lord, con-
suming the 250 men, *who offered incense*,
v. 35. For notwithstanding this, all the
body of the *Israelites*, the very next day,
justify the Plea of *Corah*, own those Re-
bels for the *People of the Lord*, charge
Moses and *Aaron*, as being guilty of their
Blood, and again gather themselves toge-
ther against them, v. 41, 42. And as *S.*
Austin conceives (suitably to the tumultu-
ous violence of their Spirits) they came
with a resolution of putting them to death;
saith he, *Totus populus contra Moysen &*
Aaron, *ut sanguinis reos consurrexit*,
eosque in eorundem ultionem occidere vo-
luit. And all these transactions are the
more to be admired, because they presently
succeeded, after that sad threatening (and
the Plague therewith) that their Carcases
should fall in the *Wilderness*, and not
enter into the *Land of Canaan*; *Num.* 14.
29, 30, 37. which judgment was denoun-
ced against them in part, because they
would forsake *Moses* and chuse them ano-
ther Captain to return to *Egypt*, *Num.*

Aug. de
mirabil. S:
Scriptur.
l. 1. c. 30.

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B. 2. C. 2.
Ant. Jud.
1. 3. & 13.

14. 4. and did then as *Josephus* expresseth it, *revile and conspire against Moses and Aaron.* And if under so excellent a *Governour*, who had so highly obliged *Israel*, and done so much good for them, there were such dangerous consequences from the people, or men of a popular strain, exercising a power of judging, concerning a Case fit to warrant a forcible resistance, this must needs be a *destructive principle*, if allowed, under the best Government in the World. This gave birth to so bad an undertaking as that of *Corah*, which was an enterprise so *heinous*, that besides the severe censures of the *Scripture*, the *Jewish Talmud* reckons up the managers thereof, amongst them who shall have no portion in the life to come.

Sanhedrin.
a. 11.

*And in the
time of
David.*

7. The other instance I shall give, is in the Government of *David*. He was peculiarly chosen of God to rule *Israel*, and known so to be; he was a man after Gods own heart, and in his Government over *Israel*, he fed (or ruled רָוַח) them according to the integrity of his heart, and guided them by the skilfulness of his hands, *Psa.* 78. 72. He was also so potent and victorious over all his Enemies; and by reason hereof *Israel* in his time was so renowned, that *Maimonides* saith, their *Consistories* would not receive *Proselytes* in

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in his Reign, because they supposed it was Sect. 1:
the fear of his power, which induced them Main. in
to pretend respect, to the worship of the Hure.
God of Israel Yet *Absalom* by a popular Blah.
carriage and *insinuating words*, soon per-
swaded the people they were greatly in-
jured under the Government of *David*,
and that no justice could be had, 2 Sam.

15. 3, 4. And *Josephus* declares he com- Joseph. Ant.
plained much of the Kings Officers, that l. 7. c. 8:
there were no good Counsellors about
him. And hereupon almost all the King-
dom of *Israel* join themselves with *Ab-
salom* against *David*, 2 Sam. 15. 12, 13, 14.
Cb. 16. 18. Cb. 18. 6. and their Elders with
them, Cb. 17. 15.

8. And though this wicked attempt of
Absalom was defeated, and no less than
twenty thousand men slain therein in one
day: yet while the people in their discon-
tent and passion, took to themselves a li-
berty to take Armes as they thought fit;
it is remarkably observable, that no sooner
was this rebellion after *Absalom* over, but
upon some hot words between the men of
Judah and the men of *Israel*, concerning
the manner of their performing their duty
to the King, every man of *Israel* went up 2 Sam:
from *David*, and followed *Sheba* in a new 20: 2:
Rebellion. And though *David's* Conquests
had been very great over many Nations;

B b 2

(which

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B.2.C.2. (which some of the ancient Greek Historians gave an account of, as was observed by Eusebius from Eupolemus) neither the splendour of his Kingdom, nor the sense of their duty, nor the bitter effects of their former Conspiracy, nor the Kings kindness in receiving them again into his favour, could contain them under the bond of Obedience, and in the paths of Peace.

Euf. Prap.
Evang. l.
9. c. 30.

9. Now all this will manifest, how extremely *unsettled* any Government in the World must be, (and therein the authority of executing *justice*, preserving *peace*, and conserving all *rights* and properties) if it be once admitted, that Subjects when they shall judge it a Case of *necessity*, for the preservation of the common good, may take *Armes* against their Sovereign. And therefore for the *securing peace* and righteousness, and the common rights and interests of all men, it must be acknowledged, that the *supreme Governour* hath such an authority, that it is not *lawful* to take up *Armes* against him.

The sense of
Grotius
concerning
Subjects taking
Arms.

10. Besides these instances, I shall add the judgment of the learned *Grotius* after his long and more mature consideration of things. That worthy man in his Book, *de jure Belli & Pacis*, and in another Discourse written in his younger time, did make use of some *unmeet expressions* and notions,

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notions, and *unsound arguments*, too Sect. 1.
much tending to infringe the Authority of
Kings, and to allow a power in the *Peo-*
ple in some Cases of making *War* against
them. But though he did not expressly re-
tract and alter those things, yet in his *Wri-*
tings which he published after a greater
experience of the *World*, he wrote at
another rate, and falls in directly with
what I have now asserted. Thus in his

Commentaries upon *S. Matthew*, he saith, Grot. in
Mat. 26.
52.

*If it be once admitted, that private persons
being injuriously dealt with by the Magistrate,
may make forcible resistance; all places
would be full of tumults, there would be no
force or authority of Laws or Judicatures;
since there is no man who is not enclined to
favour himself.*

I n And in his *Votum pro Pace*, after Vot. pro
Pac. ad
Art. 16.
he had passionately complained, of *Armes*
being taken upon the pretext of Religion,
he goes on, *Ego verò---non tantum Sub-*
ditos ab armis arceo; &c. But I do not
only forbid *Subjects* from taking *Armes*,
but desire that *Kings* who have that power
given to them, would use it as seldom as
may be. After this *Grotius* relateth at Ibid.
large, and with approbation, the proceed-
ings of the *University of Oxford*, about
Paræus upon the *Romans*, with his allow-
ance also of this their determination; *Sub-*

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B.2.C.2. *ditos nullo modo vi & armis Regi vel Principi suo resistere debere, nec illis arma vel offensiva vel defensiva, in causa Religionis vel alia re quacunque, contra Regem, vel Principem suum, capessere debere; That Subjects ought by no means to resist their King or Prince by force; nor ought they to take either offensive or defensive Arms, against their King or Prince, for the cause of Religion, or for any other thing whatsoever. And then asserting the general rule of S. Paul, even against the Cases excepted by Pareus, that whosoever resisteth the power, receiveth to himself damnation, he addeth, If so many Exceptions of Pareus, i. e. undeterminings of S. Pauls rule be admitted, dico nullum imperium diutius in tuto fore, quam donec talia sentientibus vires defuerint; I affirm, that no Government can be any longer safe, than whilst those who have such sentiments want strength. And from hence it is manifest, that Grotius in his elder time, did disallow all Subjects taking Arms against their King, and accounted it wholly inconsistent with the peace, safety, and Government of the World.*

The Royal Authority & legal right as well as the Subjects property.

12. And since it is part of the Kings Royalty, according to the Laws of this Realm, that none may take Arms against him;

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him; all Subjects who expect to enjoy Sect. 2.
their own *legal rights*, are obliged to maintain this right of the King, by that great rule of Righteousness and Religion, as ye would that men should do unto you, do ye also unto them likewise, *Luk. 6. 31.* And this also is included in the *Oath of Supremacy*, wherein Subjects swear to maintain all *Authorities*, granted or belonging to the *Kings Highness*, his *Heirs and Successors*, or united and annexed to the *Imperial Crown of this Realm.* And it is against all pretence of Reason, that the rights of *Superiours* which are the greatest, and on which all *inferiour rights* have dependence, should be least regarded, as if it were fit that the interests of a *Child* or *Servant* should be preserved, and not those of a *Father* or a *Master.*

V. Sanderf.
de obligat.
Consc.
Præl. 10.

SECT. II.

Rights and properties of Subjects may be secured, without allowing them to take Armes against their Prince.

1. It must here be considered, as an objection and seeming difficulty, that since it is greatly necessary to the good of the World, that the just properties of Subjects be defended, if it be once granted that

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B.2.C.2. they may in no Case take *Armes* against their *Sovereign*; how can these properties be secured? may they not then be *exposed* to irreparable *injuries* and the utmost pressures? and if a Prince will exercise an *unlimited power*; where is there help and redress? Now in answer to this I premise, that the principal care which must be taken, for providing for the preservation of the *rights of Subjects*, is not on that part which concerns the *defending* them against their *Prince*, but rather against the violence of other *injurious persons*, which is done by the great Authority of *Government*, and the due execution thereof. For as in a *Family*, the main thing designed in the Government thereof, is not that *Children* may be secured from receiving any injury from their *Father*; but rather that for their own quiet and good order at home, and their honour and safety abroad, they *submit* without gain-saying and resistance to his Government, and thereby receive *protection* from the injurious dealings of others: so Gods providence for preventing the greatest *dangers*, of violence of men one towards another, hath established the Authority of *Rulers*, as a defence against them. And therefore such persons who say, a people cannot so readily destroy themselves (viz. if they have

no

The Authority of Rulers is the defence of the people and their security.

Rutherf. of Civil Polity. 9. Qu. 9.

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no Governour, or cast him off) as one Sect. 2. man may; speak falsely and rashly against the wisdom of God and his Ordinance, and against the common sense of the World: as if Rulers were not *Ministers of God* for good to men, and as if it would be better for the World to be without them, (whom all Nations have found necessary) and consequently without peace, order, and justice.

2. And as the Governours men live under, are their *defence*, from the violence and injuries, which may be sustained from other men: so there is great security for Subjects, without their taking *Armes*, that their rights and properties shall not be violated by their Prince, which I shall manifest, with a particular respect to our *English Government*. Now amongst the grounds of this security, the Principles of *Conscience*, which lay a great and moral obligation upon the greatest persons in the World, not to be injurious to the meanest; and the watchful *providence of God*, who unless it be for the punishment of the grievous sins of a people, doth not suffer them to be afflicted and oppressed, are considerations which are not in this Case to be over-looked. But there are two things which I shall chiefly insist upon.

The security
for the Sub-
jects rights.

3. First,

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B.2.C.2.
From the
Laws.

Cic. de
Offic. l. 3.
& de leg.
l. 4.

Cod. l. 1.
Tit. 16.
leg 8.

3. First, they have the security of good and wholesome Laws, fixed with us by general accord, of King, Lords and Commons. And that Laws were originally established, that right and justice might thereby be impartially administered to every man, is reasonably declared by Cicero. And it is a great privilege in this Realm, that both civil rights, and matters of Religion, are established by our Laws; and that no Law can be made or repealed, nor publick moneys raised, but by consent of the Commons, by their Representatives. And somewhat a like form for the Enacting Laws, was resolved on as a most excellent method, by the Emperour Theodosius. And since no design can be managed to defeat legal rights, but the instruments therein must be private persons; every one of these may be called to an account, and suffer their deserved punishment by the justice of the Law. And this is a like security to that, which may be had against the meanest Subject in the Realm, if he be the stronger man, or get an advantage whereby he is able to do another a mischief. And it is here worthy to be noted, that whereas many plausible notions and pretences, when they are reduced into practice, fall short of accomplishing what was expected, by their proposal in the Theory;

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Theory; the benefit of the protection, *Sect. 2.* which Subjects enjoy from *the Law* is such, that for divers Ages past in many hundred years, the general rights and *properties* of the *people of England legally established*, have thereby been excellently preserved. And the like may be asserted concerning many other parts of the World: and therefore they who will dispute against this provision, must dispute also against the evidence of sense, and of a long continued experience.

4. But because jealous and *suspicious minds* may possibly suppose, that at one time or other a Prince having the authority of *administering justice*, and appointing Judges and Officers in his Kingdom, may design to *destroy* his Subjects *rights and property*, and thereby the fruitful inclosures of their civil Interests may be laid waste, and all respect to Laws utterly laid aside; I shall take these suspicious jealousies into consideration. And here we must all grant, that the state of *this present* *World* is such, that at the best it is not above all instability, uncertainty and danger. And I shall in the next Section shew, that there is much more cause of jealous fears, of Subjects *losing* their legal *rights*, by granting, than by denying them liberty to *take Arms*. But I here desire the Reader

Naz. Orat.
19.

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B.2.C 2. der impartially to consider, that there are as great *improbabilities*, of any such Case as is proposed ever happening, under any Prince who hath a *just right* to the Crown, as things of this World can admit: and if any such should possibly happen, the second consideration which I shall propose for the Subjects security, will shew a way of *help* and redress therein.

5. How little foundation there is, for nourishing the *jealousies* expressed in this supposition, may in part be discerned by looking backwards. And in turning over the *Annals* and *Chronicles* of many Ages, no such thing doth appear to have been undertaken by any *English Monarch*, to *enervate* and make void the force of *all laws*, and the rights founded upon them. And the most that was ever done to this purpose, was by them who under a pretence of *liberty*, did take *Arms* against the King, or forcibly prosecuted an opposition to his *Government* and *Authority*: when great numbers were illegally *deprived* of their *Lives* or *Estates*, *sequestred*, *decimated*, and suffered many other *injuries*.

6. But if we look forward, no such supposition can be admitted, but it must require a *Concurrence* of all these strange things. 1. That all the *subordinate Rulers*

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lers and Ministers of justice in the Realm; Sect. 2. must conspire against their Consciences, the Law, and their Oaths, either out of choice or fear, to pervert justice, and to cast off all pious sense of God thereby, and all care of their own Souls. 2. That such a Prince must have no respect, either to God, or to his own interest and honour abroad, or safety at home; which under God consisteth in the flourishing estate, and good affection of his Subjects. For where Laws are in any high measure violated, and prostituted by the Governours, and general injuries thereby sustained by the Subjects; since Mankind is not only led by respect to duty, but also to advantage, such Subjects may be backward in defending that Prince against those who oppose him; which was the Case in which Nero was generally forsaken by his Roman Subjects: and put upon destroying himself, to avoid that shameful death, to which he was sentenced by the Senate. Yea such a Prince hath great reason to stand in fear of his own Confidants and instruments; for since they must be men of no Conscience and fidelity towards God, it may well be expected, according to the determination of Constantius the Elder, that they will also prove unfaithful to their Prince, if they can thereby propose a way to advance or better

Aurel.
Vist. in
Nerone.
Suet. in
Nerone,
n. 47.
Tacit. Hist.
l. 1.

Euf. de
Vir. Const.
l. 1. c. 11.

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B.2.C.2. better themselves. And such *instruments* may see cause to nourish *fears*, that where *injustice*, violence, and cruelty, are frequently exercised, they may upon slight occasions, expect a time when their turn to *suffer their part* will be the next: and this was the occasion of the Death of *Commodus* the Roman Emperour, who was first *poysoned*, and then *strangled*, by the contrivance of some who had been his great *Favourites*, that they might secure their own lives which they discovered were suddenly like to be taken away. And from this it may appear, that there was just reason for that observation of *Xenophon*, that *tyrannical Governours* are under greater *terrors*, and have more reason of fears at all times, than men ordinarily have in *War*, because they have not only reason to be afraid of their *professed Enemies*, but of those whom they account their *friends and defence*. And *Hieronymus* *Oforius* observeth not without reason, that in such persons the *stings* and frequent lashes of their own *Consciences*, and some inward, though unwilling *dread of God*, besides other fears and jealousies, make their state sad and miserable. Wherefore though *Usurpers* having no right, may account it their best and safest contrivance, to lay their foundation in *force and violence*, until

Herodian.
l. 1.

Xenop.
de Regn.
p. 911.

Ofor. de
Reg. In-
stit. l. 8.

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until they think themselves otherwise *Sec. 2.*
cure; this is so greatly opposite to the in-
terest of a *rightful Prince*, that if he be a
person of any reason in the *World*, he must
needs reject it. 3. It must also be suppo-
sed, that all those who act as instruments
in such *oppressions*, must be devoid not
only of the sense of God and good Con-
science, but also of *humane cautiousness*.
For if such an imaginary Prince shall have
his Conscience awakened to *repentance*, or
shall consult his own *honour*, or else shall
end his days, (as his breath is in his No-
strills) all such persons are then account-
able to the strict judgment of the *Law*, and
being Enemies to the *publick good*, have
little reason to expect *favour*.

7. The other ground of *Subject's secu-* *The securi-*
rity, though they may not take *Armes a-* *ty of Sub-*
gainst their Sovereign, is from God being *jects from*
the *Judge* and Governour of the *World.* *Gods go-*
Shall it be thought a sufficient restraint, to *verning*
the exorbitancy of a *Fathers power* over *the World.*
his Children, that if he becomes unnatu-
ral, the *earthly Judge* can both vindicate
them and *punish* him, though Children be
not allowed, when they think fit, to beat
and kill their Father? and shall not the
judgment and authority of God over
Princes be thought valuable and confide-
rable, though he is more *righteous* and more
able

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B.2.C.2. *able to help the oppressed, than any Judge upon Earth? And the judgments of God have been especially remarkable in the World, against such Princes, as have either designed the subverting the Laws of common righteousness, or have set themselves in defiance against the true Religion*

and Worship of God. The Ecclesiastical Historians, and Fathers who write of the Death of Julian, which was in the second year of his Reign, in his Expedition against the Persians, do all agree that the Θεομωχία, or divine vengeance ordered his Death; and that he who did effect it, whether Man, Angel, or Devil (for by several Writers it hath been referred to all of these) was Θεὸς ὑποτάκτος ὑπερβόας, one subservient to the Divine pleasure. And some of these Writers say, that himself dying, did express so much, and St Hierome declareth, Christum sensit in Media, quem primum in Gallia denegarat.

Socr. l. 3.
c. 21. gr.
Theodor.
l. 3. c. 20.
Sozom. l.
6. c. 1, 2.
Naz. Orat.
4. & 21.

Hieron. ad
Heliodor.
c. 8.

8. When the horrid impieties against the God of Israel, and dreadful cruelties against the Jews, of Antiochus Epiphanes a puissant Prince, had increased to a strange height, he was at last upon a defeat given to his enterprizes, struck even to death with inward terrour, and the affrighting perplexities of his own Conscience. And he then could not but acknowledge, that his

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his own *injustice and cruelty*, and his pro- Sect. 2.
faning the Temple, were the causes which 1 Mac. 6.
brought upon him this sad trouble and for- 8.—13.
row : adding with respect thereunto, *καὶ ἰδοὺ*
ἀπόλλυμαι λύπῃ μεγάλῃ ἐν γῇ ἀλλοτρίᾳ, and
behold I perish by great grief in a strange
Land. So also Naboths injuries were re- 2 Kin. Ch.
venged upon Ahab, and the Gibeonites 21, & 22.
upon Saul. And to take notice only of 2 Sam. 21.
some of the last *Persecutors* of Christianity, 1, 2, &c.
in whom irreligious *defiance* of the true
God and his Religion, and inhumane *cru-*
elty towards men did meet together : The
severe judgments which befel *Decius* and
Valerianus, who were the Authors of the
two last persecutions before *Diocletian*,
are observed by *Constantine*, that the Constant.
former was vanquished and slain in *Scy-* Orat. ad
thia, with great *shame* and dishonour to Sanct.
himself and the Roman power; and the Cœt. c.
latter was taken Captive by the *Persians*, 24.
and there *sleyed*, and then being salted or
dried, was preserved among them as a
Trophy.

9. When *Diocletian*, *Maximianus*,
Hercultus, and *Galerius Maximianus*,
not only raised a cruel *persecution* against
the Christians, but arrived to that height
of *contempt* against Christ, and opposition
of his Religion; that they erected Pillars,
with inscriptions concerning their Reign,

C c

nomine

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B.2.C.2. *nomine Christianorum deleta*, and super-
 Baron. an. *stitione Christi ubique deleta*, the name
 304. n. 8. of Christians being extinct by them, and
 the superstition or Religion of Christ ut-
 terly destroyed; the two former of them
 finding themselves defeated, by the success
 and increase of the Christian Religion, in
 a short time being overcome with grief
 and anguish, deserted their Imperial dig-
 nity. And Diocletian after many years of
 retired sorrow and discontent, was struck-
 en with an extraordinary loathsome and
 miserable Disease, attended with blindness.
 And Maximianus Hercules ended his
 own days by the shameful Death of an
 Halter.

Euf. Hist.
 l. 8. c. 29.
 Baron. an.
 3. 6. n. 2.
 Euf. ibid.
 & c. 25. gr.

10. Galerius Maximianus was smitten
 with such noysome Ulcers, and multitude
 of Worms, in all parts of his Body, as
 rendred him a dreadful spectacle and loath-
 some unto all. Of whom Eusebius tell us,
 that he therein acknowledged the stroke of
 Gods vengeance; and Orosius reports, that
 after many Physicians had been put to
 Death, because they afforded the Empe-
 rour no relief, he was at last told by some
 of them, *Iram Dei esse poenam suam*, &
ideo à Mediciis non posse curari; that
 since the wrath of God had inflicted this
 punishment upon him, Physicians could
 give him no cure. To these I shall only
 add

Euf. Hist.
 l. 8. c. 28.
 29. & de
 vit. Const.
 l. 1. c. 50.
 Oros. l. 7.
 c. 28.

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add the instance of *Maximinus*, who was Sect. 2.
an Emperour of the same Spirit and temper with the former ; was Contemporary with *Galerius Maximianus* for some time, but survived him a few years. He is noted by *Eusebius* to have been one of the worst Enemies to Christianity, and also to have been charged with *tyranny*, by the publick Edicts of the other Emperours. And he was so smitten by the hand of God, that he became blasted, his Visage changed, and his whole body parched and dryed up, like a Skeleton or an Image : and he who made a Law that the *Eyes of Christians should be pulled out*, and executed it upon multitudes of Men, Women, and Children, his own Eyes also fell out of his Head, and himself was made sensible, that it was the stroke of Gods hand. And these sensible tokens of *divine justice* wrought a mighty change in the Roman Empire, for the *safety* and *advantage* of them who piously served God.

Euf. Hist.
l. 9. c. 10;
11. gr.
De Vit.
Const. l. 1.
c. 51, 52;

11. And it ought to be a *check* to the passions of the greatest men, and a support to the state of the meanest, that God not only executeth *Judgment* in another World ; but doth *govern* this, and when he sees it meet, will stand up to *avenge* the injured, and *punish* the evil doers. Wherefore it was a pious admonition to

C c 2

the

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B.2.C.2.
Otho Fri-
sing.Epist.
ad Freder.
Ocnobarb.

the Emperour *Frederick the First*, by his Uncle, *Otho Frisingensis*, who tells him, that Kings are reserved only to the scrutiny and judgment of God; and then adds, that according to the Apostle, *it is a fearful thing for every man, to fall into the hands of the living God*, and particularly for Princes, who have none other above them, whom they must fear. And it is a good and loyal resolution for a Subject to take up, if ever he should live under an *unjust Prince*, that he will embrace the temper of *David's Spirit*, in his words concerning *Saul*; *The Lord shall smite him, or his day shall come to die, or he shall descend into the Battel and perish; the Lord forbid that I should stretch forth mine hand against the Lords anointed*: provided that such expressions be not used, as an *imprecation* of evil, but as an acknowledgment of Gods Sovereignty, and a patient committing himself to him, still keeping to the practice of that Christian Rule, *Pray for them which despitefully use you and persecute you*, *Matt. 5. 44.*

1 Sam. 26.
10, 11.

SECT.

SECT. III.

The condition of Subjects would not be the better, but the worse, if it were lawful for them to take Armes against their Prince.

I. That the putting into the hands of Subjects an authority of taking *Armes*, A liberty of taking Arms hurtful to Subjects. would be a *disadvantage* to themselves, and prejudicial to the common interest of Mankind, I shall evidence by four Considerations.

Conf. I. From the great *mischief* their lives and rights, and future interest must be exposed unto, by frequent Civil Wars, i. By the frequent miseries of Civil wars. the natural effect of Subjects taking Arms. Let search be made into the *Annals* of the World, whether the *properties* of Subjects, and the flourishing Estate of Kingdoms, have not been much better preserved by *peaceable obedience* and Subjection, than by the fomenting *Civil Wars* and Insurrections. The Conspiracies of *Absalom*, *Sheba* and others such like, were not the honour or advantage of them who were engaged in them. And while such *commotions* continue, little *security* can be *promised* either of mens Lives or Estates, further than the strength of a

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B.2.C.2. *Fortress*, or the secrecy of an *hiding place* will extend. And if in the result the *conspiring party* should prevail, and fix themselves in the supreme Government, the admitting this Position of the *lawfulness of Subjects taking Armes*, will be apt to put other unquiet and ambitious spirits, upon following their example, and endeavouring under the fair pretences of *Religion* or *liberty*, or doing *justice*, to undermine such prevailers; and by this means the Common-wealth is like to be *exposed* to the saddest Calamities, and to be brought to *ruine* and destruction.

2. Of this I shall give a known instance, concerning the Kingdom of *Israel*, towards the end of that Kingdom. Then the practice of *taking Armes* against the *King*, who was possessed of the *Throne*, was very frequent, insomuch that in the space of little more than thirty years, four of them were *assaulted* by force, overcome and slain; and two of them in one year, which *Salianus* observed as an ill omen, giving indication of the fall of that State and Government; *Tres hoc anno in Israele Reges, magnum callabentis Republicæ argumentum.* During this time there was *usurpation upon usurpation* in that Kingdom, and every one of the succeeding Usurpers had this Character, that
be

*Salia. An.
m. 3264.
R. 1.*

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be did that which was evil in the sight of the Sect. 3.
Lord. And such Calamities then befel that
Kingdom, that during this time, in a chief
seat of these Wars, all the *Women with* 2 Kin. 15. 16.
Child were ript up: and this Kingdom be-
ing greatly *weakened* by its home divisions,
was in that compass of time, twice *inva-*
ded by Foreign Enemies; at the first time
it was forced to pay a very great *compo-*
sition, 2 Kin. 15. 19, 20. and at the se-
cond time a great part of the Kingdom
was *lost*, and the Inhabitants carried Cap-
tive, v. 29. And in the Reign of *Hoshea*
who was the last of these Conspirators, the
Kingdom of *Israel* became first *tributary*
to *Affyria*; and soon after in his Reign,
was the utter Captivity and ruine of the
ten Tribes, and the *total subversion* of that
Kingdom: and this as *Josephus* accounts Joseph. Ant. l. 9. c. 14.
it, was the end of those *Israelites*, a King-
dom divided against it self being brought to
desolation. So that if *peace*, *safety*, and
prosperity, be desirable to a people, the
violent resistance of Superiors must be *hurt-*
ful to them.

3. And if we reflect on the ordinary
effects of such undertakings, for some few
instances, where the people did by Arms
assert themselves into *liberty*, from injuri-
ous oppressions (which things our *Eng-*
lish constitution doth excellently, and ef-

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B.2.C.2. feſtually provide againſt) divers inſtances may be given, where *divine providence* hath wrought *deliverances*, for them who diſcharged the duties of obedience; and many others of great *devaſtation* and ruine, which hath been the conſequent of ſuch enterpriſes. And the *tragical relations* which have attended Rebellious taking Armes in the *ancient Empires*, and more lately in the *Eastern and Western Empires*, in *Germany, France, England*, and other Countries, might fill Volumes with a ſad account of heavy Calamities, cruel Sufferings, and wicked practices.

3. By Authority becoming thereby ineffectual to its neceſſary ends.

4. *Conf.* 2. It is the neceſſary continual *interest* of Subjects, that ſo great a power be in their Sovereign, that none in his Realm may *withſtand* his authority. This is conſequent upon what was proved in the firſt Section. And if any Prince ſhould allow his Subjects, when they think it neceſſary to take *Armes* againſt him, (which it cannot be his wiſdom to do) the Subjects would have a greater *loſs* than gain thereby. For inſtead of gaining that, which ſilenceth their *ſuſpicious fears* of their Princes power, whoſe intereſt it is to *deſend* and preſerve them; they loſe the *constant advantages* of his Government; ſince *juſtice* cannot be in all Caſes ſo effectually adminiſtred, nor *peace* ſo ſurely preſerved.

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preserved. And upon this very account, Sect. 3.

they have much more cause for frequent fears of suffering greater evils, from the

mischievous designs of *usurping Spirits*,

who coming like empty and *hungry flies*

upon a sore, (to which they have some-

times been compared) *σφοδρα δ' ἀπληξέουσι*,

They will grievously torture. Now it is

highly imprudent, to seek a remedy for

a possible inconvenience, which may be

otherwise prevented, by procuring a more

certain mischief. As if all the strong men

in a Nation should have their sinews cut,

lest they should hurt the weak, whom the

Laws defend; though thereby the Realm

be left without any men of might to op-

pose its Enemies

5. Conf. 3. It is chiefly to be observed,

that unless all things be in utter confusion

and Anarchy, it is not possible but that

there must be acknowledged such an au-

thority, which none have power of resist-

ing; but this can no where be so well plac-

ed, for the *Subjects interest*, as in their

Sovereign Prince, and supreme Governour.

Wherefore to give place at present to ficti-

on and imagination, concerning any possi-

ble forms of Government; it is all one to

assert, that there must somewhere be fixed

such an authority, against which none hath

power of taking Armes, and to assert that

there

Theodor.
Metochit.
Hist. Rom.
à Jul. Cæs.

3. Because
there must
still at last
be owned a
power that
may not be
resisted.

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B.2.C.2. there must be in one or other some *chief authority*, which hath the *highest command* of the strength and *Military force* of a Nation. For whosoever hath this authority, all the *Military Power* ought to be *subject to him*, and none hath any right of commanding it *against him*. But unless it be admitted, that this *commanding power* is placed in some person or persons the *Military power* must be under no *Governour*, nor can Subjects know whom to *obey* with respect to *Peace and War*. Now this power of the *Militia*, must either be placed in the *King* (as our Laws above-mentioned declare it is in this Realm) or else either ordinarily, or in some certain Cases, in some other *single person*, or *Senate* and Company of men, or in the whole Body of the *People*, or in so great a number as will repute themselves to include the whole. And the allowing this *power* to any of these last mentioned, is lyable to as great or greater danger than the first.

Ch. I. Sect.
2. n. 12.

This is more dangerous to the people, to be in any other than their Sovereign.

6. To place any such *power* over the *Military Force* of a Nation, in any *person* or persons, who are not the ordinary *supreme Governour*, is a thing can scarce be supposed; because the giving them this authority, is the giving them power to *execute Supremacy* of Government, when they

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they think it fit. But if such a supposition Sect. 3.
be made, this must needs cause constant
jealousies, between the ordinary supreme
Governour and them, and thereby that
Nation and Government must be under
much *unsettlement*. And there is greater
danger of this power being exorbitantly
abused, by such persons who may be tem-
pted to affect their own further *advance-*
ment; than there can be in him who is al-
ready *supreme*, and whose interest it is to
preserve the *liberties* of his people.

7. If a *Senate* supposed to have this
power, should become Patrons of *inju-*
stice, and opposers of known *legal rights*;
and the same Company of men have also
authority of making *laws*, and raising *mo-*
neys, it is not easy to know how far the ill
consequences of this may extend. For then
they are put into the fullest capacity of *op-*
pressing innocent persons, and depriving
them of Estate, Liberty, or Life, and of
serving *private interests* of themselves or
a party, and even of *establisbing iniquity*
by a Law. And he that thinks that no such
thing may be supposed, that the major
part of such a *Senate* may be either so
formed, or over-witted, or over awed, as
to comply with *unjust attempts*, is a stran-
ger to the proceedings in *England*, from
1640. till 1660.

8. If

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B.2.C 2

8. If it should be supposed, that the chief power of the Sword, and of commanding the *military force*, should be in the *whole Body* of the people, or the *major part* of them, this must include the greatest inconvenience of all the other. Now though this supposition, amongst other things wherewith it is chargeable, is *impossible*, because the whole body of the people of a great and populous Kingdom, cannot *meet* together, or *consult* and advise with one another, and therefore can give no *commands*; yet in our late distracted times, there were some who embraced this assertion. In *England* several Pamphlets from them, who allowed the *Parliament* to have power to *levy War* against the *King*, did declare that the *Parliament* having *their power from the people*, the people might call them to an *account*. And Mr *Rutherford* also allowed, that the people might resume the power they gave to *Commissioners of Parliament*, when they abuse it, and may *resist them*, and *denude them of their fiduciary power*; as the *King may be denuded of that same power* by the three Estates. To such extravagant excesses have mens *ungoverned heats*, and *passions* hurried them! But this supposition is a foundation of *confusion*, and is not consistent with the people having any

Gangr.
Part. 1.
P. 33.

Ruth. of
Civil Po-
licy, Qu.
19. p. 152.

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any *Governours* over them to command Sect. 3.
them, and thereupon would lay aside Gods
Ordinance of Rule and Government. It
is also so opposite to *Peace*, that it is the di-
rect way to put the multitude upon *insur-*
rections, and would turn the World into
a disorderly Wilderness. And it is *dan-*
gerous to the state of the World, and to
all good Subjects, both because it is un-
peaceable; and because there can be no
security given, that the *major part* of the
body of a people, who are easily *imposed*
upon at some times, shall not incline to
any ill design, as they evidently did in the
instances of *Corah* and *Abfalom*, besides
others nearer home; and also because rash
and ill actions, when managed by the bo-
dy of the people, are so much the worse,
because they are usually attended with
violence and *fury*, like the over-flowing of
Waters.

9. Wherefore since there must some-
where be placed such a *supreme power*, as
hath the highest right to *command* the
force of a Nation, and by consequence
none can command it, or any part of it
against that power; this from what I have
discourfed, cannot with so much *safety* to
the *People* of this Realm, be fixed any
where else as in the *King*, according to the
excellent constitution of our *Laws* and *Go-*
vernment.

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B.2.C.2. vernment. For as *Royal Government* is free from that heady disorder, which attends popular motions; so the rule of its exercise is those *laws*, which are not established without the consent of the *People*. Upon this account *Plato* when he had viewed the various species of Government, declared that that which was best of all was, *Μοναρχία ὑποϋπακούσας νόμοις*, *Monarchy coupled with Laws*.

Plat in Po-
llic. verf.
fin.

4. From the
insuffici-
ency of the
pretended
security
against
these evils.

IO. Conf. 4. If it were granted, that people had power to take *Armes*, but not in any other Case, save in the *highest oppressions*, and utmost extremities; this restriction with respect to the Case, would be of very little use, for the *Peace* of the World, and the avoiding the inconveniencies and mischiefs above expressed. For the instances in the first Section, and the experience of this Kingdom, and many others, testify how apt many people are, to be decoyed into *gross mistakes* in this Case, and to be abused and misled by fair speeches of *discontented* and aspiring men; and to draw up such *heavy charges* against excellent Governours, as to conclude their *ruine* and destruction to be designed, where there is not the least intention for their *harm*. And besides that *gross falsehoods* may easily pass with the credulous vulgar *undecided*, it is an easy thing

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thing to persuade many of them, when Sect. 4. the *ill actions* of any men, living under the Government are manifested, to account these to be the faults of the *Rulers*, who did not *prevent* or *restrain* them: whereas it is no doubt a great truth which was asserted by Bishop *Sanderf*on, that in the best constituted Common-wealths, there are *Gravamina non pauca*, not a few things amiss, which the utmost care and industry of *Rulers*, and the severity of the *Laws*, is not sufficient wholly to prevent or cure.

Sanderf.
de oblig.
Confc.
pral. 10.
n. 7.

SECT. IV.

The Plea, that self-defence is enjoined by the Law of Nature, considered: and of the end of Sovereign power: with a representation of the pretence, that Sovereign Authority is in Rulers derived from the people, and the inference thence deduced examined.

I. It is certain that prudence and the Laws of God and Man, oblige every man to take just and due care of his own preservation: but yet there have been some who under the specious appearance of pleading for *self-defence*, have run into strange exorbitances, against the authority

Of self-defence, and self-preservation.

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B.2.C.2. rity of Government. It hath been said, that *self-preservation* is the first principle and *prime Law of Nature*; and thence it must be inferred, that its obligation is so great in all Cases, that all other *Laws of Nature and Equity* must give place thereto. And with respect to *resisting* a Sovereign Prince by Armes, Mr Rutherford asserteth, that *no community can without sin, alienate this power of self-defence*. But though he speaks of the *community*, his argument must have as much force concerning any *private person*, viz. that as *man hath no power from God to murder his Brother*; so hath he no power to suffer himself or his Brother to be murdered. And the consequence of this must be, that all men are bound to *take Armes* against their Sovereign, who shall judge any person to be in danger of losing his *life* without just cause. The strange positions of *Lessius* and *Becanus*, in allowing the *killing a King in self-defence*, I have above produced: and amongst the *Romish Doctors*, who are very generally prone to embrace *disloyal principles*, Dom. Soto in this particular, is as exorbitant, as any I have met with. He in several places gives such a description of a *Tyrant*, in the administration of Government, as discontented persons may easily apply to the most worthy

of civil
Policy, Qu.
5. p. 59.

Dom. So-
to, de Ju-
stit. & Jur.
l. 1. Qu. 1.
Art. 2. &
Q. 5. Art.
3. & Q. 6.
Art. 4.

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worthy Prince ; that is , that he makes *Laws* , and orders affairs for his own *private* , and not the *publick good*. And he declares , that such a person who hath a right title to govern , may not be killed by a private person , until a publick sentence be declared against him , and then any man may be made the Executioner. But then he adds , *Besides this* , if he forcibly set upon a free Subject , either to kill him , or to take away his goods , *potest civis ille vim vi repellendo , eum interimere* ; that Subject in repelling force by force may kill him.

Id. *ibid.*
l. 5. qu. 1.
Art. 3.

2. Now this disorderly and unruly management of self-defence , would fill the World with *tumults* , and subvert the foundations of its *peace* and Government ; since by this means, the power of the *Sword* would be put into every private mans hand , to use it against his Governours , when he shall think it fit for his own interest. But that the falshood , as well as the danger of this pretence may be manifest , I shall return an answer thereto in three heads. 1 That it is notoriously false , that men are obliged by the law of nature , in all Cases to defend their own lives, and outward interest by force. And it is a sufficient prejudice against this, that he who will maintain it, must acknow-
D d ledge

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B.2.C.2. ledge that all those who dyed *Martyrs* for the *Christian Religion*, did violate the *Laws of Nature*, in *not resisting* their Persecutors; and that all *Malefactors* ought to *fight* for their lives, rather than to submit themselves to *Justice*. 2. That the *prime law*, which the nature and being of man, who is a rational Creature, and capable of happiness, doth oblige him to observe, is, that he ought to take care of his own welfare and *chief good*, and to endeavour after *true perfection*. And because this is chiefly procured by *well-doing*, therefore to be pious and sober, loyal and peaceable, just and good, whereby purity of heart, and integrity and peace of Conscience is preserved, and a good name here, and a blessed state hereafter obtained; these are the things which our *nature and being*, and our Religion also, oblige us principally to design, and all outward interests of this life must be placed in subordination to them. And sure no *Christian* will believe, that our Saviour by his Religion, did *subvert* the prime laws of our *nature and being*, when he required his Disciples to *take up the Cross*, to be ready to *lose their lives* for his sake, and to *forsake all and follow him*. 3. That *self-defence* is then only *lawful* to be managed by *force*, when this may be done by *lawful means*,
and

The prime laws of nature to rational beings, are the Rules of good Conscience.

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 and without transgressing any necessary Sect. 4.
 Duty to God or man. It is therefore justly
 allowed so far as is necessary, against pri-
 vate violence and assaults, being then war-
 rantable by the *Rules of right reason and*
good Conscience which are the *Laws of our*
nature. But to allow a right of self-defence
 to every man, by taking *Armes* against his
 Superior, is as much as to say, that no man
 is bound to owne the Ordinance of God
 in the World, or to *submit* himself and
 his interest to be *governed* by any *Civil*
Power.

3. It is also urged, that in the *Constitu-* Rutherf.
ubi sup.
Qu. 25.
Jun. Brut.
Qu. 3. P.
110, &c.
tion of Government, Princes are appoint-
 ed for this end, to wit, the *good of the*
people; and therefore the peoples good is
 to be pursued, though against the *person*
 or Government of the Prince: and they
 most comply with the great end of Govern-
 ment, who will take care of the *commu-*
nity. And therefore if a *Prince* do not
 promote the peoples good, the end must
 be preferred before the means, and the
 good of the *Commonwealth* is otherwise
 to be provided for. *Ans.* 1. That though
 the *good of the people* be a great end of
 Government, yet it is not the *sole end*
 thereof. But as when a Prince appointeth
 a chief Officer of a *Corporation,* this is not
 only for the benefit of the Members of

Armin.
Disp. publ.
Thef. 25.
n. 10.

Of the end
of Govern-
ment;

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B.2.C.2. that Society ; but it is also intended, that they may be more useful to do the *King service* , and that the Commonwealth may receive benefit thereby : so in *Sovereignty* , there is a claim of *Gods Authority* in the World for his honour ; and therefore out of Conscience and Duty to God , there must be a *Subjection* shewed to Rulers as *his Ministers* , besides what the interest of the *Community* will require. 2. If Government were wholly intended with respect to the *good of Subjects* , I have proved in the former Sections , that *order* , *peace* , and *justice* cannot be thereby established among men , unless it be acknowledged that none may *resist* the Rulers Authority. 3. To lay down such Rules , that men are no longer obliged to observe any *constitution* intended for a *further end* , than as the parties concerned shall judge it to conduce to that *end* , is dangerous and unsound. By this rule discontented persons might break the indissoluble bond of *conjugal Relation* , where they account it not to answer the end , by *mutual helpfulness* and comfort. And when God forbid the King of *Israel* , to multiply *Wives* , lest his heart should turn away from God , *Dent.* 17. 17. the Jewish Writers account *Salomon* justly blameable , for his *multiplying Wives* , though he might presume there would

Gemar. in
Sanhedr.
Cap. 2.
Par. 11.

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 would be no danger of his *forsaking God* Sect. 4.
 thereby.

4. But there is another thing which hath been much insisted on, and will require a larger Examination, concerning the *original of Sovereignty*, and the *deductions* which may be made from thence. It was urged in our late unhappy times in *England*, that the *Sovereign power* was more in the *People* than in the *King* or *Prince*, who was originally created by them. And in *Scotland* it was asserted then, as a ground of taking Arms against the *King*, that *Royal power* was radically in the *People*, was communicated from them, and that they may take it again, if the conditions on which they gave it be violated: and that the people being the *fountain power*, are still *superiour* to the *King*.

Of the original of Government being from the People. Sov. power of Parl. Part. 1. p. 35, 36. Ruth. Civ. Pol. Qu. 4. p. 10. & Qu. 19. p. 148. This asserted by many Papists.

5 And it is ordinary with the Writers of the *Romish Church*, to make the *People* the original of the *Princes Sovereign power*, and many of them make use of this assertion, as one way to shew the excellency of the *Pope* above *Princes*. Thus *Salmeron*; *Civil power*, saith he, is indeed from *God*, so far as he made the *community* free, and gave them *Light* and *power* to set up *Governours*: and therefore *secular power* doth not so descend from *Heaven*,

V. Bannes in 2. 22. Qu. 40. Art. 1. Dub. 2. Salm. Tom. 12. Tract. 63.

D d 3 but

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B.2.C.2. but that it rather ascends from the community, unto the King or other chief Magistrate. Dominicus Soto asserts, *Reges à suis Regnis potestatem recipiunt*, Kings receive their power from their Kingdoms. Bellarmine asserteth indeed political Power and Government to be from God; but that he gave it immediately to the whole multitude, and they transfer it to one or more. And Medina declares, that *Principes si legitimi sunt, habent auctoritatem & jus dominandi à Republica*, lawful Princes have their Authority and right of governing from the Commonwealth.

The ill consequences they hence deduce.

Bellarmino de Concilio. l. 2. c. 15.

Gr. de val. T. 2 Qu. 1. Disp. 1. Punc. 7. div. 45.

6. And from this very principle, the same sort of Writers do also grant and assert, the lawfulness of the people resisting their King by force, in necessary Cases. Bellarmine allows that the political head may be deposed by the people, because he depends on them, and receives his power from them. Greg. de Valentia affirms, that the secular Prince having his power from the community over which he is, from hence it is, that he is above any parts of the community, but not above the whole community jointly considered, at least he is not so in all Cases. Hence also Navarvus asserted, that the people did never so give over their power unto the King, but that

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that they retain it to themselves *in the ha-* Sect. 4.
bit, that in some certain Cases they may
also *receive it again in act.* And *Maria-* Mariana
na affirms, that the *Royal power* having its de Rege,
birth from the *Common-wealth*, there is & Reg. in
reserved in it, a *power of deposing the King,* sit. l. 1.
and making *War* against him, and if it be c. 6.
necessary, *destroying* him with the *Sword.*
And he adviseth as the safest course, that
such an ill governing Prince should be de-
clared a common Enemy, in a *publick*
convention, and then he allows it lawful
for any private man to *kill* him: but if
there can be no such publick Assembly, if
it be according to the *common vote* of the
people, he commends the wicked attempts
of such as would take away his life, as if
such horrid enterprises were famous at-
chievements.

7. There are also other *new Modellers*,
whose Positions founded upon the same
bottom, of *Princes* having their power
from the *People*, are very dangerous to
Government. Such persons I mean as Mr *Hobbs*, and the Author of the *Treatatus* *Theologicopoliticus*: for though these
men seemingly yield a great Authority to
the Prince, yet building upon a wrong and
rotten foundation, they afford him no fur-
ther *security* in his Government, than is
the effect of his *mere strength* and power.

*The like dangerous
Position of
other extra-
vagant
Writers.*

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B.2.C.2. The *Tractatus Theologico-politicus* owneth Dominion to be founded in mens resigning up their own rights to another by *pacts*. But besides other things, the admitting these two assertions in that discourse, will be sufficient to manifest the *instability* of any Government, where those Positions are embraced. For as he asserteth that naturally there is nothing *unlawful*, which any man can *desire and obtain*: so 1. he sayes, *Paſſum nullam vim habere poſſe, niſi ratione utilitatis, qua ſublata, paſſum tollitur, & irritum manet*: which is as much as to ſay, that Subjects are no further bound to *ſubmiſſion*, than till they can propoſe to themſelves an *advantage* by Rebellion. And ſince no *rebellion* was ever undertaken in the World, but upon the propoſal of ſome *advantage* to the undertakers, thoſe evil men muſt be juſtified, as having a *right* to do what they did, according to this pernicious Principle. 2. It is there alſo aſſerted, *Summis poteſtatibus hoc jus quicquid velint imperandi, &c.* The right of commanding what they pleaſe, doth only ſo long belong to the ſupreme powers, as they indeed have the *higheſt* (or *greateſt*) power; but if they loſe that, they loſe alſo the right of commanding all; and this right falls upon him or them, who

Tract.

The--pol.

Cap. 16.

p. 254. p.

256. V. p.

262.

Ib. p. 259.

V. p. 261,

257, 258.

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who gain the greatest power, and are able Sect. 4.
to keep it. Which words do make void all
true and proper right of Princes, and leave
them no other foundation to support their
Government, but their present possession
of power, which if any other person can
possess himself of, he therewith hath the
right also.

8. And though Mr *Hobbs* sometimes
hath over-large expressions concerning the
power of Governours; yet he having be-
fore laid the same foundation for the origi-
nal of political Government, doth also un-
dermine the safety and stability of Gover-
nours and Government, 1. By asserting,
That these pacts are so reciprocal, that
they who yield up their right, do it for
the receiving good thereby: and the end
of pacts being the preservation of life, and
of such things as conduce thereto, *jus con-*
tra vim se defendendi necessario retine-
tur, and any pact to give up the power
of defending ones self against Death,
Wounds, or Imprisonment, must be void,
being against that self-preservation which
is the end of these pacts. And these gen-
eral Positions and grounds concerning pacts,
will destroy either the Nature, or at least
the security of that power, which in
words he otherwhere yields to Gover-
nours. 2. Because according to his frame
and

Leviath.
Cap. 14.
p. 67, 68,
70.

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B.2.C.2. and model, there can be no Foundation laid, for these *pacts* becoming *obligatory*, further than the mere *fear* of external co-active power can enforce the observation of them. For as he sometimes tells us, that these pacts do not *oblige* in their own nature, but from the *fear of loss*, and the punishment from a visible power: so since he asserts, that in the state or condition of *liberty* antecedently to these pacts, *Justice, equity, or doing to others as they would they should do to them*, had no place, nor were men any ways obliged to observe them; it is impossible there should be any *obligation* introduced upon men (according to this method) to perform their pacts, save only from fear of *external force*. For as the Tractator doth expressly allow *fraud and deceit*, in that imaginary state of liberty, the consequence of which will be that they may *deal falsely* in their *pacts*; so the *Leviathan* model must according to the principles there laid, allow the same. And though he sometimes speaks of the confirming these pacts by *Oaths*, and the fear of a Deity: yet this can add nothing to the obligation, upon the principles of the *Leviathan*: because the *fear of God* only obligeth men to do their *Duty*, but doth not deny them the use of their *liberty* in other things. But as these

Ibid. c.14.
p. 67, 71.
& Cap. 17.
p. 83. &
Cap. 18.
p. 87.

Tra&.
The...pol.
p. 254.

P. 71.

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these Positions are framed upon such sup- Sect. 4.
positions, as look upon man in his begin-
ning, to stand without due respect to God,
and the rules and notions of good and evil;
so the dangerous aspect they have on *peace*
and *Government*, doth speak the folly of
them, and they will be sufficiently in this
particular confuted, by asserting the *divine*
original of Sovereignty.

9. But it seemeth most strange, that the De Jur. B.
& P. l. 1.
c. 4. n. 7.
Learned *Grotius*, in his Book, *De Jure*
Belli & Pacis, should assert, that men at
the first did join themselves together in
Civil Society, *non Dei praecepto sed*
sponste, not by any command of God, but
of their own choice; and that *hence ci-*
vil power hath its original, which Peter
therefore calls an humane ordinance: and
that it is also called an *Ordinance of God*,
because God approved the wholesome in-
stitution of men. And upon this Princi-
ple he thinks it may be questioned, whe-
ther the people ever intended to exclude
themselves, from a power of taking *Armes*
in all Cases. And therefore without all di-
stinction of Cases, he there is not willing
to condemn their *resisting* their Governour.
But I think it needful to do him so much
right, as to observe that this was not his
constant and fixed sense and judgment. For
concerning the *original* of Authority, he
in

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B.2. C. 2. in another place declares this to be the
 Grot in Doctrine of S. Paul, that there are now
 Rom. 13. *no Empires, but where God gives to them*
 1. *his authority, even as a King gives Authority to his Presidents: and he also affirms, that in all Governments, the Authority is received from God, non minus quàm si Reges illi per Prophetas uncti essent, as much as if those Kings had been anointed by Prophets.*

Grot. in I 10. And when S. Peter requires submission
 Pct. 2. 13. *to every ordinance of man for the Lord's sake, Grotius in his Annotations, thinks him to intend, ordinationem istam quæ inter homines in terra agentes locum habet, that ordinance which hath place amongst men: which Exposition hath this advantage of the other, that according to it, a good account may be given of the Apostles argument or motive, injoining submission for the Lords sake. For this must infer, that those men who govern in the World, do not act only by an humane right; since if Government were not by Gods Authority and constitution, obedience to it could not bear a respect to God himself. And touching the unlawfulness of forcible resistance of Governours, besides the plain and full expressions I have above produced from Grotius, he in another Treatise asserts, that violent defence which*

Scct. 1.

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which is *lawful* against an equal, is *un-* Sect. 4.
lawful against a superiour: and he judgeth Gr. de
that the *Law of Nature* will not allow Imp. Sum.
this, no not for *self-preservation*. But Pot. Cap.
saith he, this is more plainly demonstrated, 3. n. 6.
from the *Written Law of God*: for when
Christ said, *he that takes the Sword shall*
perish by the Sword, he expressly disallows
that defence which is made by force, against
the most unjust but publick violence; di-
serte *improbat eam defensionem quæ vi*
fiat, contra vim injustissimam sed publi-
cam.

II. Now it may be a just prejudice a- Unreasona-
gainst this assertion, of *Soveraignty being* ble inferen-
derived from the People, that according ces from
to these various Proposals, it may become this un-
dangerous to the settlement of the World. sound founda-
But withal their *way of arguing*, who pre- V. Jun.
tend that the *people* who make the Prince, Brut. Qu.
have therefore a *power reserved* to them- 3. p. 91.
selves *greater* than his, is a kind of con- De Jure
tradiction to it self; as if they who give Magistr.
up their power should by that means have c. 6.
the *greater power*, and they who receive
Authority should thereby have the *less*.
This is such a fond argument, as would
prove all *Servants* by contract, to be su-
perior to their *Masters*, because by their
contract they *made* them their Masters; or
that those *countries* who became subject,
and

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B.2.C.2. and *tributary* to the Roman Empire, or any other, had a *superiority* over that Empire; because their becoming *subject* to it, was that which made its Dominion so large and eminent. And concerning that supposition, that possibly the people might not *intend* to deprive themselves of all *power of resistance*; with respect to this

V. Ch. 1. Kingdom, it is evident from the plain expressions of our *Statute Laws* above produced, that the Subjects did *intend* to reject all *power of resistance*. And yet they who enter into any relation by their own *contract*, do stand obliged from the *nature* of that relation, and the *Laws* that God hath established concerning it, and not only from their own *intention*. Thus the contracting to become a *Wife* or a *Servant*, intending to be so to a *kind* and courteous man, doth not hinder the continuance of the bond in these relations, and the obligation to the Duties thereof, though this man contrary to their expectation, may prove *ill-natured* and *froward*. And what I have discoursed in the beginning of this Chapter will evidence, that even they who will assert *Sovereignty* to be of a mere *humane original*, must acknowledge that the rejecting of all forcible *resistance* against it, is necessary to the peace and *welfare* of the World, and there-

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therefore this must be intended by the Sect. 5. wiser part of Mankind.

SECT. V.

The Divine Original of Sovereign Power asserted.

1. That Government and its Authority is originally the *constitution of God*, may receive considerable proof from *rational evidence*, supposing Creation and Providence to be acknowledged. For since God is the *Lord of the whole Earth*, he hath a right to govern it, and it is in his power to appoint Rulers and *Magistrates*, and to command subjection to them: and who-soever besides God, shall undertake to confer a power to rule the World, as if it were originally derived from *themselves*, do thereby put themselves upon the disposing of *Gods right*. It was owned by the Ancient Poets, as *Homer* and *Hesiod*, that Kings are from God. In *Homer*, Σχηπτύχῳ βασιλὸς ὦπιζός κῦδος ἔδωκεν, and *Hesiod* saith, Ἐκ Διὸς βασιλῆες. And *Synesius* observed, that it was said by *Plato*, Θεῶν ἀγαθὸν ὃν ἀνθρώποις βασιλεία, that *Royalty* was a good thing from God among men. And in the Book of *Wisdom*, both the Authority of Kings is asserted to be from God,

Sovereignty and rule proved to be the constitution of God. By rational evidence.

Horn. Il. 2. Hes. Theogon. in init. Synes. de Regno.

Wisd. 6.

4. 5.

God,

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B.2.C.2. *God, and that themselves also are Gods Ministers.*

2. And it may well seem a strange thing, that God who not only gave a *being* to all other parts of his Creation, but framed them in an excellent and beautiful *order*, and made the Sun to rule by Day, and gave Man *Dominion* over other lower parts of his Creation, should leave *Mankind* only, which is so excellent a being, without taking any order for that useful and regular *publick Society*, which is both suitable and *beneficial* to humane nature. And it is yet far more unlikely, that he who is the God of Order, should for the peace and good of *lesser Societies* in private Families, ordain the Authority of *Parents* over their Children, and the Headship of the *Husband* over the Wife, and yet should leave the more general and *publick State* of Mankind, which is of greatest concernment, in an unsetled *ungoverned confusion*. It would be also a reflexion upon the *goodness* of God to imagine, that it was not his will that *justice* should be administred, and viciousness *punished* among men; that *peace* should not be preserved, and goodness *encouraged* in the World: and it would be a disparagement to his *Wisdom* to conceive, that he should *appoint* all these things to be done, whilst he

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he committeth no power or authority to Sect. 5.
any person, or order of men to take care
of them.

3. But the expresse Testimonies of the *holy Scripture*, put this matter out of doubt. There Governours as having Gods Authority, are stiled Gods, and Children of the most high, *Psa. 82.6.* And besides the Government of *Israel*, which was evidently established by Gods appointment, which was the reason why *David* so much revered *Saul*, as being the Lords anointed: we are told, *Prov. 8.15, 16.* By me Kings reign, and Princes decree justice: by me Princes rule, and Nobles, even all the Judges of the Earth. And God declared by *Jeremy*, *Jer. 27. 5, 6.* I have made the Earth, ---- and have given it to whom it seemed meet unto me: and now have I given all these Lands into the hand of *Nebuchadnezzar*, the King of *Babylon* my Servant. *Cyrus* also was called the Lords Shepberd, *Is. 44. 28.* (Princes being oft stiled Shepherds, because their Office and Government is thereby much resembled, 'Αδελφαι ποιμαίνοντι η βασιλεύον, saith *S. Basil*; and the Hebrew word for a Shepherd is sometimes rendered in the Chaldee Paraphrase ܐܪܡܐ a Prince or Governour) he was also called the Lords anointed, *Isa. 45. 1.* And *Daniel* tells

By the testi-
mony of the
Scriptures.

E e

Nebu-

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B.2. C.2. *Nebuchadnezzar*, that God setteth up Kings, *Dan. 2. 21.* and that the God of Heaven had given him a Kingdom, *v. 37.* S. Paul also declares, that there is no power but of God, and the powers that be, are ordained of God, *Rom. 13. 1.* And he stileth the power, the ordinance of God, *v. 2.* and the Ruler, the Minister of God, *v. 4.*

By the sense
of the ancient
Church.

Tert. ad
Scap. c. 2.
Apol. c.
30.
Adv. Hæ-
res. l. 5. c.
24.

Euf. Hist. l.
7. c. 11. gr.

Eell. in
Lib. Re-
sogn. de
laicis.

4. The ancient Christian Church, even when they were under persecution by the Roman Emperours, did yet constantly acknowledge their Authority to be from God. *Tertullian* declares, that the Christian knows that the Emperour is constituted by his God. And, saith he, from thence is the Emperour, from whence is the man; from thence is his power, from whence is his spirit. And the same sense is expressed by *Irenæus*. And *Dionysius* of Alexandria in *Eusebius*, acknowledged, that it was God who gave the Empire to *Valerian* and *Gallienus*. The same truth is asserted by *S. Aug. de Civ. Dei, l. 5. c. 21.* by *Epiphanius, Hæres. 40.* and by divers other Christian Writers: in-
somuch that when *Bellarmino* sought for the Testimonies of ancient Writers, to prove Domination to be of humane original, he could meet with no Theological Writer of the Christian Church, who favoured his opinion amongst the Fathers,
and

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and therefore takes up with *Aquinas*. And *Paulus Orosius* affirms, that all power and Government is of God, is that which they who have not read the Scriptures do think, and they who have read them do know. And some of the Romish Church speak to this purpose, as *Vellofilius*, and especially *P. de Marca*.

5. And now let any equal Reader consider, whether the evidence of reason, Scripture, and the ancient Fathers, will agree with that reproachful Position of *Hildebrand*, or *Greg. 7.* against God and his *Vicegerents*, That Kings had their beginning, from them who affected rule by the instigation of the Devil. But they all tend to confirm what hath been asserted in our Church; That the most high and sacred order of Kings is of divine right, being the ordinance of God himself, founded in the prime laws of nature, and clearly established by express Texts, both of the Old and New Testaments.

6. And the nature of the Rulers power, will further speak its Constitution to be from God. He is to judge the people, but God being the Judge of all the Earth; all acts of judgment are declared to be, not for men, but for the Lord, 2 Ch. 19. 6. and therefore must be performed by an authority derived from him. And the punishment

Sect. 5.
Oros. Hist.
l. 2. c. 1.
Vell. in 4.
Tom. Aug.
ad 22. Qu.
De Concord.
l. 2.
c. 2. n. 1,
2, 3.

Greg. 7.
Epist. l. 8.
Ep. 21.

Can. 1.
1640.

And from
the nature
of this Au-
thority.

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B.2.C.2. nishment inflicted by Governours, is an act of *vengeance* or revenging; and therefore as vengeance or revenging, *ἐκδίκησις* is claimed by God himself, as peculiarly belonging to him, *Rom. 12. 19. vengeance is mine*; so the Ruler as the Minister of God is made an Executor of Vengeance, or a Revenger, *ἐκδικῶν*, *Rom. 13. 4.* which must be by Gods Authority derived to him. And since the Ruler who *bears the Sword*, hath an Authority of *life* and *Death*, this could not be derived to him from the *community*, since no man hath such a *Dominion* over his own *Life*, as to have a power to take away his *Life*, as hath been truly asserted by *Schoolmen* and others, and therefore cannot *transfer* such a power to any other person: and therefore, this Authority of Governours must be received from *God*, who is *Lord of Life and Death*.

Lessius de
Just. & Jur.
l. 2. c. 4.
dub. 10.
M. Becan.
de Jur. c.
4. q. 1.

Objections
answered.

From the
Election
of some
Princes.

7. Having proved the Authority of Governours to be of a *divine extract*, I shall now shew, that the various pretences for founding it in the consent of men, are of very little weight. It is confessed, that there are *elective Kingdoms*, and Empires in the World; and that where there hath been a vacancy of a Governour, and none could claim a right of *succession*, Princes have oft been *chosen* by the people. In
this

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this Case several *Roman Emperours* were Sect. 5.
Elected by their *Army*, and received by
the *Senate*, and thus were *Gideon*, *Jeph-*
tha, and other Judges established in *Israel*.
But such a Liberty of *choice* in the people
in these circumstances, carries no opposi-
tion to the authority being from *God*. For
the entering into a *conjugal Society*, is by
a free choice, (even so far of choice, that
many persons if they please, may live in
celibate and single life, whilst men can-
not live without *Government*) and yet
Matrimony, and the *Husbands Authority*
is by *divine appointment*. And Members
of a *Corporation* do usually chuse their
chief Magistrate, but though they deter-
mine upon the *person*, it is not they, but
the *Princes Charter* and Grant, that gives
him his *Authority*.

8. And they who tell us, that Sove-
raign Authority cannot be a proper *divine*
institution, because then its rights would
be wholly *unalterable*, and the same in all
the *Governments* in the *World*, do rely
upon a meer fallacy. For this Topick
would with equal force and evidence,
prove the *paternal right* not to be found-
ed in the *Laws of Nature*, or the institu-
tion of *God*; because the *authority* of the
Father, and the *priviledges* of *Children*,
are not the same in different parts of the

M. Sala-
mon, de
princip.

From the
different
rights of
Regality.

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B.2.C.2. World. The Rules of inheriting by the right of *devolution* in some part of the Low-Countries; and of *Gavelkind*, and some other tenures in *England*, do vary from the more general usage. And in many places of the World the Father had *Jus vite & necis*: and *Cappellus* asserteth him to have had that power of life and death among the Jews. The Institutions of *Justinian* expressly testify, that that right of power, which the Roman Fathers had over their Children, was that which was proper to the *Citizens of Rome*: and it is there added, *no other men have that power over their Children, which we have*. Nor will it prove *Matrimony* to be no institution of God, because the privileges of the *Wife* are esteemed greater in *England* than in other Countries; and are not the same at the Death of the Husband, in the Province of *York* and the City of *London*, with the other parts of the Kingdom. But the truth is, in those States or Relations which are fixed by *divine institution*, there are some things so necessary and essential, that they cannot be separated from them: such are in the Conjugal Relation, the *Headship* of the Husband, the ordinary *inseparableness* of that Society till Death, and the performance of Conjugal Duties; and such are in the supreme Govern-

Gotofred.
nor. ad
Dig. l. 1.
Tit. 6. n. 1.
de jure.
Capp. de
vor. Jeph.
thz.
Instit. l. 1.
Tit. 9.

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Government, the necessary care of *justice* Sect. 5. and the common good, and even of matters of *Religion*, and the having a power fitted to these ends, and which in pursuance of them, may not by inferiours be forcibly resisted. But in many other particular things, the priviledges of *inferiour* relations, and the dignities and rights of *superiours*, may be greater or less, according to what is concluded by their mutual consent.

9. The Solemnity of *Coronation*, when the people acknowledge their King, and the King again gives the people assurance, that he will preserve their Religion, Rights and Laws, and govern them according to those Laws; is far from intending to express, the Kings Authority to be derived from the people by a *contract*, as some have weakly argued. For the King is actually *King*, by his right of *inheritance* and succession, upon the Death of his Predecessor, antecedently to this Solemnity, as our Law-Books do generally acknowledge; and *Henry the Sixth* Reigned divers years in *England* before he was Crowned. And even in *Elective Principalities*, the Rights of Sovereignty are invested in the person elected thereto, before the *Coronation*; both in the *Empire* it self, and other Dominions. But the intent of this Solemnity is,

From the
Rights of Co-
ronation.

Du May's
Estate of
the Empire.
Dial. 2.
vers. fin.
Extrav.
Com. l. 5.
Tit. 10.

E c 4

that C. 4.

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B.2.C.2. that as the Rites of *Inauguration* in other Magistrates, tend to make such impressions in the people, as may beget a reverence towards them; so the Prince his appearing with *splendour* to his people, doth both excite them to, and give them opportunity for publick *acknowledgments*, and expressions of affection and honour towards him, and joyful *acclamations*. To this purpose *Henry* the Third was twice Crowned, once in the first year of his Reign, where *M. Paris* treateth, *De prima Coronatione Regis Henrici*, and again in his twentieth year, as is manifest in the preamble of the Statute of *Merton*: and *Richard* the First was observed also to have been twice Crowned. In like manner *David* notwithstanding his right by Divine appointment, besides his being anointed by *Samuel*, was twice anointed by the people. And both the Jewish Chronicle, and *Josephus* declare, that *Saul* also was anointed a second time. And the kind expressions of the Prince, and the assurance that he gives his people, that he will govern them by *their laws*, and maintain their *Religion* and Rights, is designed to banish and expel all jealous fears from them, and to increase their *affection* to him, and make their obedience and submission the more ready and *cheerful*, by their

Mat. Par.
an. 1316.

Fullers
Hist. an.
1194.

Sed. Olam
Rab. c. 13.
Joseph.
Ant. Jud.
l. 6. c. 6.

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their having security from their Princes reputation, honour, and integrity, that he will intend the preservation of the great things, which conduce to their welfare.

10. It hath also been objected, that besides the like expressions in other Law Books, the *Civil Law* declares, *Lege Regia quæ de ejus (Principis) imperio lata est, populus ei & in eum omne suum imperium & potestatem confert*, which words declare, that by that Law which was made concerning the *Empire of the Prince*, the *People* yield to him all their *Authority and Power*. It also asserteth, that *Nations* were divided, and *Kingdoms* established by the *Jus gentium*, or the *Law of Nations*: and also that *Liberty is the natural state*, and *servitude is introduced by the Law of Nations*. Now though it might be said, against the force of any such allegations, which seem to oppose this truth; that the *right of God*, and of his constitution and authority, is not to be determined by any *humane Writings*, especially if they speak against the *Scripture*, and rational evidence: Yet I further observe, 1. That the first expression hath respect to the *political sanction*, or establishment of the *Civil Government* of the *Roman Empire*; and even with respect to the *peculiar privileges* of the *Emperour* himself,

From the
Civil Law.
Digest. l. 1. r.
Th. 4. n. 1.
quod Principi.

Ibid. Tit.
1. n. 5. Ex
hoc jure.
Ibid. Tit.
1. n. 4.
Manumissi.
& Justin.
Inst. l. 1.
Tit. 3.

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B².C². himself, as having a *legislative power* in his own breast ; to which purpose that very law declares , *Quod Principi placuit , legis habet vigorem , utpote lege regia que de ejus imperio , &c.* And though these *political sanctions* be a proper consideration for humane Laws to take notice of , yet this hinders not , but that there may be a superiour divine Constitution, of Sovereignty and secular power , which also is oft asserted in the Civil Law. 2. The following expression doth speak of the like *political sanction* , and doth further acknowledge and assert , the *bounds and limits* of the several Kingdoms and Nations, to be established by the Law of Nations ; *jure gentium discretæ gentes , regna condita.* 3. That *liberty* which in the last clause above-cited , is declared to be the *natural state* , and the *servitude* which is there said to be introduced, do not respect freedom from *Government* and Laws , but from *vasallage* : which is evident, because in the *Digests* , this servitude is said to be discharged by *manumission* , which still leaves the person under civil Government ; and in the *Institutions* the freedom which is opposed thereto , is bounded by that which is *prohibited by Law*. And besides this *freedom* of the outward condition , *Cicero* doth well and wisely account that man

Novel. 73.
& Novel.
85. & pas-
sim.

Ubi supra.

Cicero.
Paradox.
3.

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man to have attained a true and proper Sect. 3.
freedom of mind; who obeys and reverence the *Laws*, not so much for fear, as because he judgeth it *useful* and good so to do.

II. Now if Government be the *Constitution of God*, to make forcible opposition against it, must either be in design to have *Gods authority* subject to them who so act, or at least that themselves may not be subject unto it; both which are unreasonable, and include a *resisting the ordinance of God*. But of the divine law in this particular, I shall speak in the following Chapters.

CHAP.

CHAP. III.

Of the Unlawfulness of Subjects taking Arms against their King, under the time of the Old Testament.

SECT. I.

The need and usefulness of considering this Case.

The reason why the state of the Old Testament is here particularly considered.

Lib. I. C. 4. n. 3.

I. **T**HE enquiry into the times of the Old Testament is of the greater import, because it would be a considerable Testimony, that neither the Rules of common equity, nor the true foundations of humane polity, do condemn all forcible resistance against the Sovereign Power, if this was allowed to Subjects under the Jewish constitution, which was very much ordained by the Wisdom of God himself. Concerning the Jewish Constitution, the Learned Grotius doth in his Book *De Jure Belli & Pacis* assert, that in ordinary Cases of injury, they were not allowed to make resistance: and therefore he expoundeth what Samuel spake, of the *הַמֶּלֶךְ הַשֵּׁשִׁי* or the right or manner of the King, 1 Sam. 8. 11. — 18. to intend that in

in such things as the King was there declared to undertake, the people had *non resistendi obligationem*, an obligation upon them to make no resistance. But yet he afterward asserteth, that in great and weighty Cases, either of manifest civil injury, as in what David sustained from Saul; or of violence offered to their Religion and whole Nation, as was done by Antiochus, when the Maccabees withstood him, it was lawful for them to take Armes against their Sovereign. But he proposeth it as a Question of greater difficulty, whether Christians may be allowed to do the like: and here he recommends the duty of Christian patience, and bearing the Cross, from the example of Christ himself and the Primitive Church.

2. And Mr Thorndike in his Epilogue, from the instance of the Maccabees, doth allow the lawfulness of Subjects taking Armes under the Jewish State, for the defence of their Religion: and very plainly asserteth the same, in his Treatise of the right of the Church in a Christian State. But in both those places, he declareth the unlawfulness of taking Armes upon the same account under Christianity; because of the difference of the Spirit, rules and conditions of the Law and the Gospel. But yet in this last mentioned Book, there are

Sect. 1.

Ibid. n. 7.

Epil. Part.
2. Ch. 32.

Right of
Church. Ch.
5. p. 306.
&c.

B.2.C : some expressions, which will make it manifest, that that learned man was not so fixed in this Position, concerning the *Jewish Government*, but that he sometimes much inclined to, and plainly embraced the contrary assertion. For speaking of that Covenant, which the Jews entred into under *Ezra* and *Nehemiah*, he declared, that this was allowed by the Grant, and Commission of the King of *Persia*; and saith, *It is not in any common reason to imagine, that by any Covenant of the Law, renewed by Eldras and Nehemias, they conceived themselves inabled or obliged, to maintain themselves by force, in the possession and exercise of their Religion, against their Sovereign, in case he had not allowed it them.*

The Gospel makes no new model for the rights of all political Societies.

3. But that which will make this enquiry into the times of the *Old Testament*, the more necessary, is this; because so far as I can discern, it is an assertion which cannot be maintained or defended. That there is in this particular, any such difference between the State of the *Old Testament* and the *New*, as that it should be lawful for *Subjects* before the coming of *Christ*, and particularly for the *Jews*, to defend their *Liberties or Religion by War* against their *Sovereign*; but it is now become unlawful for all *Subjects* under *Christianity*,

stianity, by the peculiar Precepts of the Sect. 1. Gospel. For though it is manifest, that the Spirit of the Law and the Gospel do very much differ, and that *meekness* and peace are more peculiarly recommended in the Gospel, by the Precepts, and by the example of *Christ*, both to Rulers and Subjects; yet I see not how Christianity doth alter the model and frame of humane political Societies, so as to *debase* Subjects, or *deprive* them of any rights or freedoms, which they did before enjoy. It is indeed truly observed by S. Chrysostome, that *David* in his actings towards *Saul*, had not all those arguments for *subjection*, which Christians now have, having never seen nor heard of the great example of *Christ Crucified*, and his doctrine of *patience* and suffering. But though these are high motives to the performance of our duty, they do not lay a new foundation for *common rights*; nor do they establish any such new Rules, as thereby to determine the unlawfulness of all *Wars* in the defence of *just rights*, if they be managed by a *warrantable authority*.

Chryf.
Hom. 3. de
Dav. &
Saul.

4. And they who insist upon the Gospel Precepts, of *taking up the Cross*, as if that did put such a difference between the legal State and the Evangelical, that there-
upon

B.1.C.3. upon it is now become *unlawful* for Subjects to take Armes, especially for the defence of *Religion*, do also proceed upon a mistaken ground. For though this Precept and the profession of Christianity, doth require great *meekness* and patience, and a firm and stedfast *resolution* under all difficulties, to pursue and maintain the Faith and practice of the *Gospel*, it doth not deprive such persons, of a *power* and right to make *War*, even in the defence of *Religion*, who antecedently to Christianity were *invested* with such a right. And he who will assert this, must grant it unlawful for any *Sovereign Prince*, to defend his free profession of the *Christian Religion*, which is one of his *just rights*, against an external force which would impose a *contrary Religion* upon him; as was done in the Christian Kingdom of *Armenia*, which then had a *Sovereign Prince*, against the fury of *Maximinus*, who would have forced them to embrace the Pagan Idolatry.

Euf. Eccl.
Hist. l. 9.
c. 7. gr.

5. And whereas in the New Testament, we have clear Declarations, that the higher Powers are the *Ordinance of God*, and that *they who resist them, shall receive to themselves damnation*, Rom. 13. 1, 2. the sense of these truths was contained under the acknowledgement, which *David* made
in

in the Old Testament, who can stretch forth his hand against the Lords anointed, and be guiltless? For as S. Chrysostome noted, when David declared Saul to be the Lord's anointed, he did acknowledge him to have Gods Authority, and that to resist him was, *ἑστῶν πρὸς αὐτὸν*, to fight against God, or, in the Apostles words, to resist the Ordinance of God. And S. Austin observing, that David called Saul the Lords anointed, after the Lord had departed from him, he adds, that David was not ignorant, *divinam esse traditionem in officio ordinis Regalis*, that the royal office was Gods Ordinance and appointment; and therefore he both did honour Saul, and ought so to do.

Sect. 1.
Hom. 1.
de Dav. &
Saul.
Aug.
Quæst. ex
Ver. Test.
c. 33.

6. Some possibly may here urge, that the Laws and Rules of right, and all the Precepts of Religion amongst the Israelites, were there established antecedently to the being of the Royal Authority among them; and that these things standing by Divine Authority, no King had any power to repeal or break them; and on this account, they might have liberty from the nature of their Constitution, to defend these rights by the Sword, though Christians have not. But even this also will not alter the Case. For throughout all the World, the common Rules of right

Ff

and

B.2.C.3 and *justice* have a divine stamp, and are of as great Antiquity as the World it self, and the nature of man: and there is scarce any *Kingdom* in the World, which hath continued without interruption of its *succession* and establishment, so long as the *doctrine* of *Christianity* hath been in the World, which peculiarly is from God. And however, no *prescription* can be pleaded against the right of God, and the Sovereignty of Christ, no more than it could be pleaded for the establishment of the *Pagan Idolatry*; in which Case the ancient Christians constantly asserted, their duty to God and his *Religion*, to be above that which they owed to the *contrary Laws* and Constitutions of humane Authority.

Tert. Ap.
c. 4.
Cl. Alex.
Strom. l. 4.
Orig. cont.
Ccl. l. 1.
l. 5. & l. 8.

7. Wherefore it will be of considerable moment, clearly to prove, that *Subjects* in the Church of *Israel*, according to the will of God under the Old Testament, were not allowed in any such Cases as have been pretended, to *take Armes* against their *Sovereign*. And if this was then unlawful, it is now much more so under the dispensation of the Gospel.

SECT.

SECT. II.

The general unlawfulness of Subjects taking Armes against their Prince, under the Old Testament, evidenced.

I. Because the unlawfulness of Subjects taking Armes against their King, under the Old Testament, will receive the fullest evidence from the behaviour of David towards Saul, and those principles of duty whereby he was guided; I shall pass by many other things with much brevity. When Samuel declared the ~~vow~~ *the manner* (or as very many Translations render it, and the word most frequently signifies, the judgment or right) of the King, 1 Sam. 8. 11. --- 18. and Ch. 10. 25. many judicious men with great reason, have accounted it to contain this sense, that such was the right, dignity and authority of their King, that though the people might bear and sustain such injuries, as are there mentioned, they had no lawful power of redressing themselves by force, but only must apply themselves to God. This Grotius in his *annotat.* upon that place thus expresseth, *si peccarent (reges) graviter in Dei legem, ad Deum ultio pertinebat, non ad singulos, ac ne ad populum quidem.*

V. Vers.
Vulg. Syr.
Arab. Par.
Chald. &
Seps.
Barclai.
adv. Monarch. l. 2.
p. 64

Carpzov.
in Schick.
Th. 1. p. 1.
& Th. 7.
p. 160.
Grot. ubi
sup. & in
1 Sam. 8.
11. & de
Imp. c. 3.
n. 6.

B.2.C 3. *dem.* And de Imperio summarum potestatum circa sacra, he saith, *Jus regis vocatur, quia ita agenti nemini liceret vim ullam opponere.* And to the like sense *Salmasius, Defens. Reg. c. 2.*

2. *Salomon* perswading to that Duty and reverence, which Subjects owe to Princes, *Eccl. 8. 2, 3.* declareth v. 4. where the word of a King is, there is power, and who may say unto him. What dost thou? and speaks of the King against whom there is no rising up, *Prov. 30. 31.* which words give a fair intimation, that the dignity of the King of Israel was such, that no opposition or resistance might be made against him by inferiours. And when *David* declared, *Psal. 51. 4.* Against thee only have I sinned, *S. Ambrose* gives this sense thereof, That *David* being King, was not subject to the penalties of any humane Laws, but the whole punishment of his sin was in the hands of God alone. This is owned by *Vega*, to be the sense also of *S. Hierome, Austin, Chrysostome* and *Cassiodorus*; and he himself gives this as a kind of Paraphrase upon that expression, *nulum alium prater te unum in terra superiorem recognosco*, I acknowledge none other besides thee alone, my superiour upon Earth. And this interpretation was received in the Christian Church, as early as the

Ambr. A. pol. Dav. c. 10.

Veg. in Pl. 4. Pernit. Conc. 2.

the time of *Clemens Alexandrinus* : and Sect. 2. though other Expositions also have been Strom. l. 4. given, this shews what apprehensions these P. 517.

Christian Writers had, of the nature of *David's Regal Authority*. And this hath so much evidence of truth, that when Murder and Adultery in inferiour persons, was punished by the Judges of Israel, according to the Law of *Moses* ; *David's judgment* must be according as God himself would pronounce and execute. And though God so far pardoned *David*, as to spare his life, *2 Sam. 12. 13.* yet *his Child must die, v. 14.* even by the hand of God, *v. 15, 18, 22.* And God denounced against him, that *the Sword should not depart from his House, v. 10.* whereby *Amnon, Absalom, and Adonijah* were cut off. And the Rebellion of *Absalom*, as a judgment which God inflicted, was part of the punishment of this Sin, *v. 11.*

3. When there were any corruptions in Religion publickly tolerated, as the worshipping in *high places* and Groves, the holy Scriptures lay the blame constantly upon the *King* and Prince : whereas if the people and Subjects had the power of *defending their Religion*, and the purity thereof by the *Sword*, the fault would have been equally chargeable upon them, under the Government of their Kings. For

B.2.C 3. the same *pious Spirit*, which would engage a good Prince, must also oblige a *pious people*, to make use of their *just power*, for the honour and service of *God*: and if the Case had been lawful, it would have been a kind of *Martyrdom*, to hazard or lay down their lives, for the honour of *God*, and *defence* of Religion. But private persons were then reputed to have done their Duty, when they *sighed* and *mourned* for the abominations of others, as they did who received the *mark* for their preservation, *Ezek. 9. 4.* and kept themselves unspotted from them, as was done by the *seven thousand in Israel who bowed not their knees to Baal*, *1 King. 19. 18.* whom *Origen*, and *Naxdanz* according to the manifest sense of the Scriptures, account to have observed Gods Testimonies, and to have been accepted of him.

Orig in
Ep. ad
Rom. c 11.
Naz. Orat.
32.

The eminent
loyalty of
David.

4. But the clearest evidence, against the lawfulness of Subjects taking Armes, under the *Kingdom of Israel* or *Judah*, is from the behaviour and Spirit of *David*. The Government of *Israel* was peculiarly *Theocratical*, and the fundamental Law of their *Kingdom* was this, *Thou shalt in any wise set him King over thee, whom the Lord thy God shall choose*, *Deut. 17. 15.* Now God had rejected *Saul* and his Family,

Family, from continuing in the Govern- Sect. 2.
ment of the Kingdom of *Israel*, 1 *Sam.* 13.
14. and *Ch.* 15. 23, 26, 28. and *David* by
Gods appointment, was anointed of *Samuel*
to succeed him, 1 *Sam.* 16. 12, 13. and
Saul himself knew that *David* was to be
King after him, and that the Kingdom of
Israel would be established in his hand,
1 *Sam.* 24. 20. only the Kingdom was
not taken from *Saul* during his life, *Ch.* 26.
10, 11. And upon this account, no Sub-
ject in the World can have a greater Plea,
for defending himself by Force and Armes,
than *David* had: in whose safety the
common interest of the whole Realm of
Israel, was in an especial and extraordi-
nary manner included.

5. Under these circumstances, *Saul* un-
justly persecuted *David*, who had done
him no injury, but rewarded him good
for evil, as himself acknowledged, 1 *Sam.*
24. 9, 11, 17, 18. and his rage was so
fierce, as to resolve to take away his life,
Ch. 20. 31, 33. and upon *David*s account,
he cruelly slew fourscore and five of the
Priests of the Lord in one day, (and *Jo-*
sephus saith, three hundred eighty five per-
sons of the Priestly Family, were put to
death by him) and in *Nob* the City of the
Priests, he smote with the edge of the
Sword, both Man, Woman, Infant, and

Joseph.
Ant. Jud.
l. 6. c. 14.

B.2.C.3. *Suckling*; only *Abiathar* escaped, *Ch.* 22. 18, 19. And *Saul* forced *David* from the place of *Gods* worship, *Ch.* 26. 19. So that *Saul* was guilty of a great opposition against *God*, and the violation of justice; and *David's* defence was that in which the Authority of *God*, and Religion, Righteousness, and the common good were concerned.

Hom. 2.
gainst Re-
bell. Part. 2.

6. In this Case, *David* who was not obliged to give up himself to unjust violence, endeavoured to avoid this by prudent ways of escape, or, as our Homilies express it, to save himself, not by Rebellion, nor any resistance, but by flight, and hiding himself from the King's sight. And when *God* delivered *Saul* into *David's* hands, at two several times, 1 *Sam.* 24. 10, 18. *Ch.* 26. 12. the men who were with him, were forward to have taken away *Saul's* life, and pleaded that *God* had administered an occasion for fulfilling his promise concerning *David's* succeeding *Saul*, *Ch.* 24. 4, 10. *Ch.* 26. 8. But that which prevailed with *David* to the contrary, was the sense of his Duty, which *God* had enjoined him; *obstabat*, saith *Optatus*, *dis-*
vinorum memoria mandatorum. He re-
pressed their inclinations, and declareth it to be a great evil and guilt, to stretch out an hand against the Lords anointed, *Ch.*

Opt. cont.
Parim. l. 2.

24. 6, 10, 11: and *Cb.* 26. 9, 11. And in Sect. 2, those places, he used words of more than ordinary detestation, חלילה לי מיהרה *Let evil be to me from the Lord*, or according to our *Fuller*, in his *Miscellanies*, *wickedness*, or a thing abominable *from the Lord* Ful. Misc. l. 2. c. 3. *will be charged upon me*, if I stretch forth my hand against the Lords anointed. When he had cut off the *Skirt of Sauls Robe*, which might reflect some dishonour upon him, his heart smote him. And at last when the *Amalekite*, who was one of the Army of *Israel* under *Saul*, declared, that he did slay him, though at his own request, and when dangerously wounded, and ready to fall into his Enemies hands; *David* revengeth the Death of *Saul*, by shedding the Blood of that *Amalekite*, 2 *Sam.* 1. 15, 16. wherein he gave an high Testimony, of the great sense he had, of the unlawfulness of offering any violence and force, to a lawful King and Sovereign.

7. Nor was this behaviour of *David*, De Dav. & Saul. Hom. 2. from an unnecessary scrupulousness, or timorous fearfulness; but this was so commendable, that *S. Chrysostome* proposeth this instance as a pattern for Christians to imitate, and declareth that *David* gained a greater honour hereby, and a greater Victory, (by having a full mastery over his passions) than by his remarkable Conquest

B.2.C.3. quest over Goliath. And David was both
This was from no ungrounded fears, but from a clear and certain knowledge of his duty. a wise man, wiser than all the Servants of Saul, 1 Sam. 18.30. and also of undaunted courage, and a Prophet, and therefore it is very unlikely, that he should be guided by mistaken scruples, in that he so oft considered, so earnestly expressed, and which was his present great interest to understand. But it is very observable, that about those very times, when he expressed his high abhorrence of stretching out his hand against Saul, he was under the extraordinary guidance of the Spirit of God, and then penned the fifty seventh, and fifty fourth *Psalms*, (and some others much about that time) as appears from the title of those *Psalms*, compared with 1 Sam. 24. 3. --- 8. Ch. 26. 1.

R. Kimch.
 in Munst.
 in Psa. 57.
 Gr. Nyss. l.
 2. de Inscr.
 Psa. c. 2, 6,
 19, 16.

8. And there have been men of good note, both among the Jewish Writers, and ancient Fathers, who think that those words *Al-taschith*, which are in the title of the fifty seventh Psalm, (and some others) and signify *destroy not*, have respect to what David spake, to hinder his men from destroying Saul, which is expressed in the Hebrew, and in several Copies of the Septuagint, 1 Sam. 26. 9. by the same words, which are in the title of that Psalm. And if this be admitted, this Psalm must express, that David had the greater

greater assurance, and confidence in God, Sect. 2.
for his own preservation and safety, by reason of his eminent fidelity to Saul; and that this was, by the guidance and inspiration of Gods Spirit which directed him herein. And the substance of this conjecture, is thus far certainly true, that David had from his loyal demeanour unto Saul, much inward joy and peace, and expectation of Gods blessing upon himself, as he declareth, 1 Sam. 26. 23, 24. in these full and expresse words, *The Lord render to every man his righteousness and his faithfulness: for the Lord delivered thee into my hand to day, but I would not stretch forth mine hand against the Lords Anointed. And behold as thy life was much set by this day in mine Eyes, so let my life be much set by in the Eyes of the Lord, and let him deliver me out of all tribulation.*

9. When the seventh Psalm was penned, whose Title is, concerning the words of Cush the Benjamite, some ancient Versions expressly refer this to Saul the Son of Kish. And many good Expositors do, with much reason, judge, that when David was accused by Saul himself, of lying in wait against him, 1 Sam. 22. 8. and by others of seeking his hurt, Ch. 24. 9. David in this Psalm under the Conduct of Gods

Chald Par.
Verf. Vulg.

Grot. Vatab. Munst.
in loc.

B.2.C.3. Gods *Infallible Spirit*, declareth His Abhorrence of such things as being very wicked and deserving severe punishment, in these words ; O Lord my God , if I have done *this*, if there be iniquity in my hands. If I have rewarded *evil* to him that was at peace with me ; Yea, I have delivered him that , without cause, was mine Enemy. Let the *Evil* my persecute my Soul , and take it, &c. v. 3. 4. 5. And even they who rather interpret the Title, to relate to the words of *Shimei*, must grant the like sense to be intended in these verses.

He here assign'd not the Politician, but observ'd the rules of Conscience.

10. And lest any should think, *David's* expressions, and especially his killing the *Amalekite* , to be the actions of a *Politician* , for the better securing his own Government ; though this be sufficiently refuted in what I have said above , I further add ; 1. That he had plainly declared the Sin and Guiltiness of *disloyal Acts* of violence, at such times when mere Policy , if considered as abstract from Duty, might have prompted him to free himself, from a potent , deadly , *irreconcilable Enemy*, and thereby to gain the Possession of the *Crown*. 2. That if *David* had shed the Blood of the *Amalekite* , without respect unto *justice*, and only to strike an awe into others, whilst he believed he did not deserve death ; this had been a design'dly

edly contrived wilful murder, to gratifie Sect. 3.
his own lust; and would have been a sin,
at least as deeply dyed, as the Murder of
Uriah; which yet with its attendants, is
accounted the singular stain and blemish
in the Life of David, 1 Kin. 15. 5. And
therefore Davids Deportment in things
towards Saul, was, as Gr. Nyssen expresseth Gr. Nyl.
it, because he judged it ἀθέμιτον an unlaw- ubi sup.
ful and unjust thing to have done other- c. 17
wise, and what he said and did was in the
fear of God.

SECT. III.

Objections from the behaviour of David,
answered.

1. It may be first objected, that Davids Grot. de
Carriage reacheth not so far, as to con- J. B. &
demn all taking Arms against a Sovereign P. l. 1. c.
Prince, but only such force, where assaults 4. n. 7.
are made, or violence offered unto his Per- Ruth. of
son; and towards such a Person too, who Civ. Pol.
was particularly anointed by Gods especial Qu. 31. &
Command. Qu. 10.

Ans. 1. The words of David do in-
deed directly condemn hostile acts, against
the Person of the King: But his proceed-
ing upon this ground, because Saul was
the Lords anointed, or one appointed by
Gods

B.2.C.3. *Gods Authority*, and invested with his power, must also condemn acts of violence against his Power and *Authority*, derived from God. 2. Forcible opposing the *Kings strength*, doth naturally tend to expose his *Person* also to violence; for if his strength be subdued, what defence remains for his person against the fury of his *Enemies*, or the rage of *Affailants*, we may learn from the History of our Civil Wars, and our late good *Sovereign*. But *David*, whose heart smote him for cutting off the lap of *Saul's* Garment, whereby he might fall under some appearance of *dishonour* or disgrace, would much more avoid what might bring him into *real danger*. And it is very considerable, that when *David* had the opportunity of coming upon *Saul* and his *Army*, when God had cast them all into a *deep sleep*; he not only spared *Sauls Person*, but did not offer any violence to any *single man* in the whole *Army*, 1 *Sam.* 26. 7, 8, 12, 16.

Ant. Jud.
1. 6. c. 7.

2. And 3. there could be nothing more contained under the Rite of *anointing* by Gods Command, than to express, in the first fixing a Governour or Government, that this was *appointed* and approved by God. To which purpose, *Josephus*, who was well acquainted with the sense of the Jewish Phrases, doth give such Paraphrases of the *Lords anointed* as these, *ἱεροκράτορες*

τῷ θεῷ βασιλείας ἀξιωθεὶς, *one who was by* Sect. 3.
God advanced to the Kingdom, and ἱερω
 τῷ θεῷ χειροτονημένος, *one ordained of God*;
 and in the Septuagint, ἵερω to anoint, &
 in 2 Sam. 3. 39. rendered by καθίστημι to
constitute. And it was not so much the
 use of any outward *anointing* by a Pro-
 phet or any other, as the Authority or-
 dained of God, which was chiefly to be
 considered in them, who were acknow-
 ledged to be the *Lords Anointed*. For
 Cyrus was called the *Lords Anointed*,
 though no such *Unction* was used among
 the *Persians*, *Isai.* 45. 1. And in the King-
 dom of *Judah*, *Maimonides* and other
 Jewish Writers tell us, that no King was
 anointed, who was the *Son of a King*, and
 came to the Crown by manifest and un-
 doubted *Succession*; and yet these Kings,
 such as *Jehosaphat*, *Hezekiah*, and *Josiah*,
 were nevertheless to be honoured. Only
Salomon, *Joash*, and *Jeboabaz* were anoin-
 ted, because of some different claims of
succession, or interruption of the true right,
 but not by any special *divine command*.
 But all other Power and Authority, as
 well as that of *Saul*, is *ordained of God*,
Rom. 13. 1, 2.

3. But the chief thing here objected is, De jure
 that there are appearances of evidence, that Magis. in
David did take up *Armes* against *Saul*, and Subdit.
 under- qu. 6.

Buxt. Lex.
 Rab. in
 ἵερω
 Schickard
 de J. R.
 Heb. c. 1.
 Theor. 4.
 Abarb. in
 Ex. 30. de
 Unct. c. 8.

B.2.C.3. undertook the defence of himself by force:
 Grot. ubi
 sup. Quò
 nisi ad vim
 arcendam,
 si inferretur?
 and three things are alledged in proof
 hereof. The first thing produced is, that
David was Captain over *four hundred*
men, 1 Sam. 22. 2. and then over *six hun-*
dred, Ch. 23. 13. and a far greater num-
 ber came to him to *Ziklag*, who were cal-
 led *helpers of the War*, 2 Ch. 12. 1. And

Ruth. of
 Civ. Pol.
 Qu. 32.

David's six
 hundred
 men not in-
 tended to
 make War
 against
 Saul.

Ant. 1. 6.
 c. 14.

Mr *Rutberford* again and again saith, that
 these Armed men who came to *Ziklag*,
 came to help *David* against *Saul*; but the
 Scripture saith not so. Ans. 1. *David*
 having been a person of chief eminency
 both in *Saul's Court*, and the *Armies of*
Israel, and being Son-in-law to the King;
 and especially being next *Successor* to the
 Kingdom, by Gods peculiar appointment,
 might upon Principles of Prudence, enter-
 tain a considerable *retinue* about him, for
 the upholding his own *honour* and fame,
 for his safeguard against *private assaults*
 and outrages, and as an useful method to
 prevent his being surprized by *Saul* una-
 wares, of whose motions these men could
 give him *sufficient intelligence*. And this
 might also be done by Gods direction, *Samuel*
 being present with *David* in the
 time of his flight, as both the Scripture
 and *Josephus* observe, 1 Sam, 19. 18 --- 22.
 and the Prophet *Gad* also, who gave him
 advice, 1 Sam. 22. 5. But it is also fur-
 ther

ther to be considered, that when *David* Sect. 3.
left the Coast of *Israel*, and went into the
Land of the Philistines, he took his six
hundred men with him, *1 Sam.* 27. 2. and
greatly encreased his numbers there, *1 Chr.*
12. v. 1. --- 23. when yet there was no
design of *taking Armes* against *Achish*, in
whose Kingdom he abode for his own
safety. But all this was done, in part for
the ends abovementioned, and also in an
especial manner that these faithful and
valiant men might be serviceable to him
and his interest, when the way should be
open for his *succeeding* in the Kingdom of
Israel. And the encrease of *Davids Companies*,
and the constant resort to him, was
the method, which Gods providence made
use of, in bringing him to sit upon the
Throne of Israel. And whereas these men
are called *helpers of David*, and *helpers of*
the War, *1 Chr.* 12. 1, 22. it is manifest
they were so, against the *Geshurites* and
Amalekites, *1 Sam.* 28. 8. *Ch.* 30. 17. and
against the *House of Saul* after his Death,
2 Sam. 2. 8, 17. *Ch.* 3. 1. and the *Je-*
bushites, *2 Chr.* 11. 4. &c. and other E-
nemies with whom *David* made *War*:
but they could not be helpers in the
War against *Saul*, with whom *David*
never waged *War*.

4. *Ans.* 2. As this is the true account

G g of

B.2.C.3. of *David* retaining such numbers about him, so we have further evidence, that he never designed them for any *War against Saul*. For whilest *Saul* himself was under a great *consternation* and fear of *David*, as *Josephus* saith, and the holy Scriptures intimate, and *David* with his six hundred men, was by Gods assistance able to vanquish the *Army of the Philistines*, who had invaded *Israel*, and besieged one of *Sauls* strong Towns, 1 *Sam.* 23. 5, 13. and with his encreased number, to subdue the Host of the *Amalekites*, 1 *Sam.* 30. 17. it is hereby manifest, that it was not his *inability*, but his Conscience of his *duty*, that kept him from his ever using his strength, against the *Army of Saul*. And yet there are great appearances of proof, that *David's* valiant Men who *vanquished* these other Armies, had he been willing, would have been forward enough to have engaged against *Saul*, as is expressly declared in the *Syriack* and *Arabick* versions.

Verf. Syr.
& Arab. in
1 Chr. 12.
1.

De jur.
Magistr.
ibidem.

Jun. Brut.
Vind. Qu.
2.
Groz. ubi
sup. sine
Annot. An.
1636.

5. A Second thing urged is, That *Abigail* commended *David*, for his *fighting the Battels of the Lord*. And not only *Junius Brutus* and such others, but *Grotius* also in the first Editions of the Book above mentioned, will have the *Wars of the Lord* to be understood, not concerning his former *Battles*, which he had fought

fought against the *Philistines*, but of his Sect. 3. present gathering *Forces in Judah*, 1 Sam. 25. 28. But to interpret this of *David's* gathering of *Forces* against *Saul*, is a wonderfully strange and unreasonable interpretation, because, 1. *David* never fought any *Battel* at all, against the *Armies* of *Saul*. 2. Nor is it imaginable, that when *Abigail* declared what peace *David* might afterward have, in not revenging himself on *Nabal* by shedding blood, and dissuades him from it, lest afterward it should be grief unto him, 1 Sam. 25. 26, 31. (for which advice *David* blessed *God* who sent *Abigail*, and was sensible that it kept him from doing evil) that she should at the same time applaud his shedding blood, to avenge himself against *Saul*. 3. The order of the words, v. 28, 29. *וְלָחֶם* thou hast fought the *Lords Battels*, and *וְיָקָם אִישׁ* and a man (or rather, yet a man) is risen up to pursue thee, do most probably shew, that this must refer to *Battels* fought, before *Saul* did pursue *David*. And it is well observed by *Barclay*, that these words ought to be referred to the Wars *David* undertook against the *Enemies of Israel*, and of *Saul*, who when he became *Saul's* General, had this charge given him; Be valiant for me, and fight the *Lords Battels*. 4. These words, v. 28. The Lord

David his fighting the Battels of the Lord, was no acts of force against *Saul*.

Barcl. adv. Monarchom. l. 4. c. 19.

1 Sam. 18. 17.

452 *Resistance by force not allowed*

B.2.C.3. *will certainly make my Lord a sure House because my Lord fighteth, or hath fought the Battels of the Lord, if they should be understood of his actings against Saul, are directly contrary to the ground of Davids hope in Gods protection above-mentioned; which was not from his acting by violence against Saul, but from his patient submission, and refusing to avenge himself.*

Grot. in
1 Sam.
17. 47.
In Cap.
25. 28.

5. *Grotius* elsewhere closeth with a quite different sense, and saith, those were called the *Battels of the Lord*, which were against the *Canaanites*, and such other people as God had devoted to destruction, being *populi damnati*. And this is indeed true, but withal even other Wars undertaken by the will of God, against *publick Enemies* to the Children of *Israel*, and the God of *Israel*, are comprehended under the *Wars of God*, as may appear from 1 Chr. 5. 22. 2 Chr. 20. 15. And *Grotius* also in the latter Editions of his Books, *De Jure belli & pacis*, hath wholly struck out that which concerned this strange interpretation, concerning the *Battels of the Lord*.

De jur. Ma-
gistr. ibi-
dem.
Jun. Brut.
ubi sup.
Ruth. of
Civ. Pol.
p. 344.

6. The last thing insisted on is, that *David* had thoughts of continuing in *Keilah*, a place of strong defence, 1 Sam. 23. 7, 10, 11, 12. and therefore his intention must have been, to have kept it as a *Garrison*

rison against the Forces of *Saul*. *Ans.* 1. Sect. 3. *David* did ordinarily reside in *strong holds* in the Wilderness, sometimes in one and sometimes in another, without any design to keep them as Garrisons against *Saul's* Army; only making use of them as safe and convenient places, to abide in for a time, till he thought fit to remove, 1 *Sam.* 23. 14, 19, 29. 2. It was manifestly *David's* aim, by his having *spies* abroad, to give him intelligence of *Saul's* motion, and by his own frequent *discamping*, to keep at such distances from *Saul*, and to make such escapes, that he should not find him out: and herein Gods providence took particular care of him, 1 *Sam.* 23. 14, 17, 22, 23, 26. *Ch.* 26. 1, 4. *Ch.* 27. 1. 3. The truth of what appears concerning *David's* intention, relating to *Keilah*, is this, that *David* purposed to have made some stay in that place, which he had then rescued from their Besiegers the *Philistines*. But understanding that *Saul* intended to destroy that place, if they should harbour him and not seize on him, and that they for their own security would hinder his further escape, if he should continue there, and would lay hold on him, and deliver him up to *Saul*, he timely prevented this danger, by a speedy removal, *Ch.* 23. 7 --- 12.

SECT. IV.

Divers Objections from the Maccabees, Zealots, Jehu, and others, answered.

Bellarmin.
de Offic.
Princ. c.4.

Sch. ad
Gros. de
Imp. S. p.
c.10. n.17.

1. Among other Objections, I shall not need to take notice in this place, of the pretences for a *constant power* among the Jews, superiour to the Regal. The Romapists indeed are sometimes forward to assert, the *Priest* to have been above the *King*, as *Bellarmino* affirms, that after *Moses*, *semper præpositus erat Pontifex Principi*. And others besides those I have before mentioned, speak the like of the *Synedrial power*: insomuch that when *Grotius* did in his Book, *de Imperio*, assert some of the pretended *Synedrial Authority*, to have been in truth fixed in the *King*, saying, *hoc ipsum Synedrii jus, regni tempore videtur fuisse penes Reges*; *Blondel* in his *Scholia* upon that place, on the contrary asserts, that this *Sanhedrim* did judge the *King*, *imo de Regibus Synedrium judicavit*. And if either of these pretences were true, it must also be granted, that a superiour authority may lawfully make use of *force*, towards an inferiour power, when it be necessary so to do. But these things *B.1. Ch.3.* are sufficiently refuted in the former Book,

to which I remit the Reader, and proceed Sect. 4. to satisfy other Objections.

2. *Obj. 1.* It is urged, that in the Jewish Church Armes might lawfully be taken, in the defence of their Religion against their Sovereign, from the instance of the Wars of the Maccabees. The Maccabees are generally commended, and very probably by the Apostle, *Heb. 11. 34, 35, 37.* and by some of the Prophets. When Antiochus Epiphanes polluted the Temple, and did prostitute the Jewish Religion and Laws, and commanded the Jews to offer Sacrifice after the manner of the Heathen, Mattathias and his Sons being zealous for the Law, took up Armes against him, *1. Mac. Ch. 1. and Ch. 2.* which were chiefly managed, after the Fathers Death, by Judas Maccabeus. This instance is produced by Junius Brutus, and Grotius, as a lawful War against their lawful Sovereign. And of this Case Mr Thorndike hath these words, *It is manifest that the Armes which the Maccabees took up against Antiochus Epiphanes, their lawful Sovereign, are approved by God; not only as foretold by Daniel and Ezekiel, and other Prophets; but also because the Apostle manifestly commendeth their faith: on the other side it is manifest, that they justified their Armes upon the title*

Of the Wars of the Maccabees.

Brut. Vind. Qu. 2. p. 61. Qu. 3. p. 199. Grot. de J. B. & P. l. 1. c. 4. d. 7. Right of Church. Ch. 5. p. 306.

B.2.C.3. of Religion. Now it is obvious, that as this Case stands thus represented, it is the very same in which the *Primitive Christians* refused to make resistance; and which Mr *Thorndike* will not allow under Christianity.

3. *Answ.* *Antiochus Epiphanes* against whom the *Maccabees* fought, was no lawful Sovereign in *Judea*, but an invader.

Groz. *ibid.* This assertion is indeed rejected by *Grotius*, pretending that he had the right of succession from the *Macedonian* power: saith he, *quod quidem hæc arma eo titulo defendunt, quasi Antiochus non Rex sed invasor fuerit, vanum puto.* But though there is some difference amongst *Historians*, concerning the division of the *Grecian Empire* after the Death of *Alexander*, I see no reason to doubt, of the account given by *Josephus* concerning *Judea*.

Jos. Ant. l. 12. c. 1. Cont. Apion. l. 1. He tells us that then *Egypt*, and also *Judea*, was under *Ptolomæus* the Son of *Lagus*, (not *Seleucus*, from whom *Antiochus Epiphanes* did descend) who giving the *Jews* ample privileges, took of them an Oath of Fidelity to him and his Posterity; and that they were then under *Ptolomæus*, he cites the Testimony also of *Agatharcides Cnidius* an ancient *Historian*, who wrote the Acts of the Successors of *Alexander*.

Antiq. l. 12. c. 3. And *Judea* continued under the Egyptian

Egyptian Ptolomyes above an hundred years, Sect. 4. until *Antiochus Magnus* gained it by Conquest, but enjoyed it a little time, restoring it as part of the Portion of *Cleopatra* his Daughter, whom he gave in Marriage to *Ptolomæus Epiphanes*. But this *Ptolomy* dying, *Antiochus Epiphanes* in the Minority of his son *Ptolomæus Philometor*, overcame him, and being invited by a Seditious party, invadeth *Judea*, taketh *Jerusalem*, and exerciseth himself there in cruelty and impiety, *Joseph. l. 12. c. 6, 7. & Prol. de Bel. Jud.* And under these Circumstances *Mattathias* and his Son resisted him by War, *Joseph. Ant. l. 12. c. 8. de Bel. Jud. l. 1. c. 1, 2.*

4. Now a violent possession of what he had no just claim to, was far from being a Title of right. And therefore the *Jews* might very lawfully endeavour by Arms to recover their rights, their Country, and the Liberty of Religious Worship, from the forceable violence of an open Enemy, and an invader, who had cruelly oppressed them about three years. Indeed he is sometime stiled the King, being truly King of *Syria*, but by no right King of *Judea*; but other times in the Book of the *Maccabees* he and his Forces are stiled Enemies, *1 Mac. 2. 7, 9. Ch. 13. 51.* and the like in *Josephus*, who against *Apion* declareth,

B. 2. C. 3. clareth, that *Antiochus* came as an Enemy, against them who were his Friends and Confederates, *hos socios & amicos aggressus est*, saith the Latine Translation, the ordinary Greek being there defective.

The wars of the Judges. 5. Of the same nature also were the Wars of *Barak*, against *Jabin* King of *Canaan*; of *Gideon*, against the *Midianites*; and of *Othniel* against *Cushan Rishathaim* King of *Mesopotamia*; and also the acting of *Sampson* against the *Philistines*, and of *Ehud* against *Eglon*. For none of these Princes against whom these Judges took Armes, or towards whom they did acts of violence, had any just right of Superiority and Sovereignty over *Israel*, but they had injuriously invaded and oppressed them: and it is very usual with Scholastick Writers to give the instance of *Eglon*, for one who was *Tyrannus titulo*, or an Usurper, having no just Title. And besides this, since God reserved the disposal of the Government of *Israel* peculiarly in his own hand; and he raised up and sent all these Judges, *Judg.* 3. 9, 15. *Ch.* 4. 6. *Ch.* 6. 14. *Ch.* 13. 25. 1 *Sam.* 12. 11. and signified this to *Barak* by a Prophetess; and to *Gideon* by an Angel; by this means the Sovereign power, so far as concerned the undertaking

com-

D. Soc. de
Just. & ju-
re l. 5.
Qu. 1.
Art. 3.
Lessius
de Just.
l. 2. c. 9.
dub. 4.

committed to them, was placed in them. Sect. 4.

6. But it may be further objected, The right of Zealots examined. that it is declared by very good Authors, and men well acquainted with the Jewish State, and their Writers, that in some cases, especially against the practicers of *Idolatry*, private persons out of a zeal for God and Religion, might make use of the power of the *Sword*, *jure Zelotarum*, following the example of *Phinehas*. And they who embrace this Notion, do not confine this to *private* cases, as if any of the Jews might lawfully kill an *Idolater*, as other persons may do him, who makes an *actual assault* against their King, or is an *aggressor* to design their murder: But *Grotius*, *Selden*, *D^r Hammond*, and *M^r Thorndike*, seem to allow the undertaking of the *Maccabees*, to be grounded upon this right of *Zealots*. And then it must be granted, that it might also be lawful for other private persons to take *Armes* in like cases. And there are such instances as these produced, to prove this right of *Zealots*, in *Phinehas* killing *Zimri* and *Cozbi*, *Elijah* slaying *Baals Priests*, and calling fire from Heaven on the Captains of the *Fifties*, our *Saviours* driving the *money-changers* out of the Temple, and such like, besides the actings of the *Maccabees*. Now it might be sufficient to say, that

Grot. de J.
B. & P. l. 2.
c. 20. n. 9.
Seld. de
Jur. nat. &
Gent. l. 4.
c. 3, 4, 5.
de Syned.
l. 2. c. 14.
n. 3.
Dr. Ham.
Tract of
Zealots.
right of
Ch. Ch. 5.

B.2.C.3. that if the right of *Zealots* should be allowed, provided it extended it self only to *private cases*, which is as much as any probability of proof can reach, the duties of *Subjection*, and the Authority of Government, might still possibly remain *inviolable*. But because I am further prone to think that the grounds and instances upon which this whole notion is built are mistaken, I shall offer to the Readers consideration these three things with respect thereto.

7. First, that it must needs be a great *disorder in Government*, and a foundation of much disturbance and evil; if every *earnest spirited man* were allowed, in the heat of his *zeal*, to put himself into the place of a Magistrate, and to execute *judgment of Death*, upon whomsoever be accounted an *offender against God* and his Religion. I acknowledge that in the declining time of the Jewish Government many actions were undertaken, only under the pretence of such a *zeal*, which were in truth, acts of *fury*; and they were so far from being *warrantable*, that they did abundantly manifest the dangerousness of admitting such pretences. Both *Grætius* and *D^r Hammond* account the stoning of *St. Steven*, and the conspiracy of more than forty Jews, not to eat or drink, till they

Grot. &
Ham. ubi
sup. & in
Act. 7.57.

they had slain *Paul*, to be done by the Sect. 4. Spirit of the *Zealots*, which were things riotous and outrageous, which may not be justified, nor may the like be tolerated under any *Government*. And by the prevalence of this sort of men who were called *Zealots*, there was very much cruelty exercised in *Judea*, many of their Nobles and chief persons were slain, and by *Josephus* they are accounted to have contributed much to occasion the destruction of *Jerusalem*. But these practices were not regular or guided by any accountable rules, but were greatly exorbitant. And if private persons taking the *Sword*, and killing those who *depraved* Religious *Worship*, had been a thing lawful and commendable in the Jewish State, upon this right of *Zealots*; It may well be wondered that none of the *Prophets* did ever put the people upon *vindicating* their Religion by this Method, under those bad *Kings of Israel* or *Judah*, in whose days the worshipping of *Baal* was openly practised.

Dr. Ham.
in Mat.
10. c.

Jos. de
Ecl. Jud.
1. 6. c. 1.

8. Secondly, several worthy actions, pretended to be undertaken by the right of *Zealots*, were warranted, according to the ordinary rules of Government, by other *sufficient Authority*; though a zeal for the Honour of God, made the persons

B.2.C.3. sons more forward and active. Such I suppose was the action of *Phinebas*, *Numb.* 25. 7, 8. in pursuance of *Moses* his sentence of judgment, v. 5. as also the War undertaken by *Mattathias* and his Sons, and *Mattathias* his killing the Jew, who, in obedience to the command of *Antiochus*, openly sacrificed according to the manner of the *Heathen*, 1 *Mac.* 2. 23, 24, 25. For by the same right whereby he might take *Armes* for his Country and Religion, against *Antiochus*, he might also act against those who took part with *Antiochus* against them.

9. Thirdly, In the Jewish Commonwealth, which was peculiarly ordered by God, some *Prophets*, and men extraordinarily inspir'd, not other zealous men at large, were empowered by *Gods Authority*, to do some extraordinary actions, which otherwise had not been warrantable; and it is by this special authority of God, not by their own zeal only, that such things were allowable. To this Head may be reduced, *Samuel's* and *Elijah's* sacrificing, though they were not Priests, *Samuel's* anointing *Saul*, and *David*; and the young Prophet who was sent by *Elisha*, his anointing *Jehu*, 2 *King.* 9. 3, 6. And of this nature were the actions of *Elijah* above-mentioned, *Samuel* hewing *Agag* in pieces,

pieces, and our Saviours driving out of the Temple them who sold Sheep, Oxen and Doves, and over-throwing the Tables of the Money-changers, Job. 2. 14, 17. Mar. 11. 15. For though these things were only done in the remote parts of the utmost Court, and with respect to the Sacrifices and Offerings of the Temple; they were a profanation of the Temple, being managed by the undertakers in that place as a Trade. And of this nature was Moses his killing the Egyptian, as appears, Act. 7. 24, 25.

10. The instance of Athaliah, being rejected from being Queen over Judah, and slain by the direction of Jeboiadab, is frequently urged by diverse Romish Writers, to prove the Superiority of the Jewish High Priest over the Prince: and it is also urged more generally by some others, to shew that the people did warrantably deprive her of Princely power. But Jeboiadab, as a good Subject, acted by the authority of Joash, the true and rightful King, against her who was a plain Usurper. And that Jeboiadab was not the High Priest may appear somewhat probable, because he is not mentioned in the Catalogue of the High Priests in the Chronicles, 1 Chr. 6. 11--15. nor in that of Josephus.

11. Whereas Jehu took Arms against Je-
ram,

Sect. 4.
L'Empe-
reur in
Midd. c. 2.
sect. 3. & in
sciagraphia
Templi.

Of Athaliah.

Bell. de
Rom. P.
l. 5. c. 8.

J. Brut.
Qu. 2.
Ruth. Civ.
Pel. Qu. 28
p. 264.

Ant. Jud.
l. 10. c. 11.
Of Jehu
conspiring
against
Joram.

B.2.C 3 *ram*, and *slew* him, 2 *Kin.* 9. 24. and cut off *Ababs House*, for which God *commended* him, 2 *Kin.* 10. 30. this was no taking *Armes* against a *Sovereign King*. For God reserved to himself the right of disposing the *Sovereignty* of the *Kingdom of Israel*, and by his particular direction were *Saul*, and *David*, and *Jeroboam*, made *Kings*. But none of *Ababs Family*, whose Son *Joram* was, ever had any such designation by Gods appointment: but *Jehu* before he took *Armes*, was by the command of God *anointed* to be *King*, and commanded to cut off the *House of Ahab*, 1 *Kin.* 19. 16. 2 *Kin.* 9. 6, 7. So that *Jehu* his taking *Armes*, was by a true *Regal Authority*, against him who either never had a *right* to the *Kingdom*, or at least was now totally *deprived* thereof, by Gods *special Declaration*. And this makes the *Case of Jehu* towards *Joram*, to differ much from that of *David* towards *Saul*.

Of the people
saving
Jonathans
life.

12. It hath also been urged, That when *Saul* resolved that *Jonathan* should dye, the people rescued him, as our Translation rendreth it, 1 *Sam.* 14. 45. But the *Septuagint* express it by προσέξατο, the people prayed or worshipped for *Jonathan*. And the true state of this affair was this. *Saul* desirous to prosecute his victo-
ry

ry against the *Philistines* to the utmost, Sect. 4.
adjureth the people of *Israel*, that no man ^{Ruthert.}
eat any food until the evening, and ^{ibid. qu.}
threateneth Death to him who shall do o- 32. p. 348.
therwise, v. 24, 39. *Jonathan* who won-
derfully gained that victory being absent,
and not hearing this adjuration, tasted a
little Honey, v. 27. Hereupon *Sauls vow*
or Oath being not performed, and God
being offended therewith, and search made
after the transgression, v. 37, 38. *Jona-*
than was taken, whom *Saul* condemneth
to dye, for the expiation of this Transgres-
sion, v. 43, 44. Now here *Jonathans* life
became due to God by a single *vow*, and
not that of Cherem; and therefore his case
did admit of Redemption according to the
Law, Lev. 27. 2. And upon this account
it is said of the people ויפדו and *they re-*
deemed him, (which our Translation calls
they rescued him) i. e. *substituted* with a
general consent, and desire of the People;
an Offering for the vow, which *Josephus* ^{Joseph.}
expresseth thus, *they did ποιεῖν εὐχὰς τῆς* Ant. l. 6. § 1
Deo, *offer Offerings to God for the* c. 7.
vow: which Offerings for a Vow, are
usually called εὐχὰι in the *Septuagint*, as
in Lev. 7. 16. Deut. 12. 6. And by this
means was Jonathan rescued or delivered
from Death, not by any Act of Hostile
violence which the people offered to Saul;

H h

but

B.2.C.3. but by an act of Religion which they performed unto God. And since it was God who required the performance of the Vow, this Offering was the way to appease him, and thereby secure Jonathan, which the use of violence against Saul could never have done.

of Azariah withstanding Uzziah.

13. The instance of Azariah the Priest and eighty other Priests, who being men of courage, withstood Uzziah the King, when he undertook to offer Incense, 2 Chr. 16. 17, 18, 19, 20. is by some persons both Romanists and others insisted upon. But their proceedings were not managed with weapons of War, but with sharp reproofs and admonitions. And whereas it is said in our Translation, v. 20. *they thrust him out*: the Hebrew word יִבְדְּיוּ may properly be rendered *they hastened him*, and no more can be proved from it; and it is so expressed in this Text, by the best Copies of the Septuagint, κατόπισαν, and by several other Translations: and the same word is used for *hastening*, but without any offering violence, Est. 6.

Ant. 1. 9.
c. 11.

14. Josephus also expresseth this action of the Priests to this purpose, that they required or charged him to go out of the City, being smitten with Leprosie, ἐξέλθον ἐξέσθαι. And this is nothing like making War.

14. Some

14. Some other things have been ob- Sect. 4.
jected, but of so little weight or appearance
of evidence, that it is needless to mention
or refute them, or to add any thing more,
for the vindicating that part of *Sovereignty*
to the Kings under the *Old Testament*, that
is was not then lawful for Subjects to take
Armes against them.

CHA P. IV.

The Rules and Precepts delivered by Christ, and his Apostles, concerning Resistance, and the Practice of the Primitive Christians declared.

SECT. I.

The Doctrine delivered by our Saviour himself.

*The Rights
of Princes
upheld by
Christiani-
ty.*

I. **F**ROM the foregoing Chapters, which have shewed, that *non-resistance* of Subjects against their Sovereign, is a Duty according to the principles of *common equity*, and which did take place in the political Constitutions, under the time of the *Old Testament*, we might make a reasonable inference, that the same must abide and continue a duty under the times of *Christianity*: For our Saviour intended to promote and establish *righteousness*, goodness and peace; and therefore would never give liberty to violate the great duties of *Subjection*, by which violation the *peace* of the World would be much disturbed, the duties of *meekness* banished, and the practice of *humility* and *obedience* rejected,

jected, which are so much aimed at in his Sect. 1. Doctrine, which commands his Followers to take up the Cross.

2. That he took care of the preservation of the just *Royalty* and Right of Princes, and did not intend to debase, lessen or diminish that *Soveraignty* and Authority, which they had a right before to enjoy, is well observed by *Grotius*, to be included in those words of his, *Matt. 22.*

21. *Render unto Caesar the things which*

are Caesars, and from other expressions of the Scripture, which can have no less import. And this Text will appear the more considerable, if we take notice, that it was *Tiberius* who was then *Caesar*, when our Saviour delivered this Precept. For

Tiberius was a man, whose cruelty even to his nearest Relations, and his drunkenness rendred him infamous; and his Lusts were so excessive, that *Suetonius* saith,

vix ut referri audirive, nedum credi fas est, it is scarce to be allowed that this should be related, heard or believed. He was so far from being a friend to the Jews, that he would not allow them the exercise of their Religion at *Rome*, inflicted on them great penalties, and dispersed the youth of *Judea* into other less noble Provinces. Under his Government, to the great offence of the Jews, the *Images of*

Gr. de J.
B. & P. l.
1. c. 4. n.
4.

From our
Saviours
Precept in
the time of
Tiberius.

Suet. in
Tib. n. 44.

Ibid. n. 36.
Jof. de
Bel. Jud. l.
2. c. 14. gr.
Ant. Jud.
l. 18. c. 4. 52

B. 2. C. 4. *Cæsar* were brought into *Jerusalem* by *Pilate*, and the *Treasures* of the *Temple* in their *Corban* were taken out. And in his time also, was the *Jewish Sanhedrim* deprived of their power, of inflicting capital punishments, *Joh. 18. 31.* And his Government was so far from defending, and maintaining the true *Christian Religion*, that under it, and by the sentence of his President, the *Holy Jesus* was crucified, and *St. James* killed with the *Sword*: And yet our Saviour in his days required the rights of *Sovereignty* to be preserved. And this was commanded, though the *Jews* were tributary to *Cæsar*, whose right over them was founded upon the *Roman Conquest*, and the *Submission* which they had thereupon for many years yielded; and the very *tribute-money*, upon sight of which our Saviour gave this Precept, is related by some Writers to have had upon it an *Inscription* expressing the years from the *Roman Conquest* over *Judea*, and consequently of the *Jews* being subdued into Subjection; whereas free Subjects towards their natural Prince, have greater motives and obligations to honour and obedience.

Dr. Ham.
Annot. on
Matt. 22.
20.
From the
Reproof gi-
ven to St.
Peter.

2. But the clearest account of the *Doctrine*, and *Practice* also of our Saviour, against Subjects taking *Arms*, may be had from

from what he declared to this purpose, Sect. 1.
 when himself was seized on by the Soul-
 diers, the night before he was crucified.
 Where when Peter drew his Sword, and
 smote a Servant of the High Priest, and
 cut off his Ear, Jesus saith unto him, *Mat.*
26. 52. Put up again thy Sword into its
 place; for all they that take the Sword,
 shall perish by the Sword. By which
 words, the making use of the Sword
 against the Authority of Superiours is
 sharply condemned. This is, as *Musc-*
lus said well, *locus notandus omnibus Sub-*
ditis, a place to be marked by all Sub-
 jects; and what Peter did, saith he, was
 therefore unlawful, because the Power
 against which he made use of the Sword,
 was ordered by the Command of their
 Rulers; whereas the Magistrates Power,
 though used against an innocent person,
 may not forcibly be repelled by Subjects.
 Thus also *Ægidius Hunnius*; Peter, saith
 he, took the Sword of his own private
 pleasure, and that unlawfully, whilst he rose
 up against his Governours, and fought
 with the Sword against their Ministers.
Petrus privato arbitrio (saith he on the
 Epistle to the Romans) *rapuit Gladium,*
& quidem illegitime, dum contra Magi-
stratum suum insurgit, & contra mini-
stros eorum Gladio dimicat. To the same

Musc. in
Mat. 26.

Ægid.
Hun. in
Rom 13.
1. & in
Mat. 26.
Par. 4.

B. 2. C. 4. purpose also he speaketh upon 3. *Matt.* and *Melancthon* from this Text, urgeth the *unlawfulness* of those persons taking the *Sword*, who have it not committed to them by the *Law*, and their *Governour*.

Melancthon.
Loc. Com.
de Vindicta, & de
Magistr.
Civ.
c. 17

4. And the true and natural sense of these words is, that as the Laws given to *Noah* and his Sons, condemned *homicide*, *Gen. 9. 6. Whoso sheddeth mans Blood, by man shall his Blood be shed*; so as with some respect thereto, our Saviour here condemns the making *Resistance*, even for *defence*, by a private person against publick Authority. And as the rules of his Doctrine forbid and blame it as evil; so this further censure he passeth upon it, that it is an undertaking that deserveth *Death*, or to *perish by the Sword*. And this hath a general respect to all private persons, *hoc dicitur* (saith *Munster*) *contra privatos quosque, qui nullo jure permittuntur uti Gladio, non autem contra Magistratum qui jussa Dei perficit, &c.* And the circumstances of this case are very remarkable.

Munst. in
Loc.
c. 17

1. In a case
in which
Religion
and Civil
Rights
were inter-
ested.
16. 11. 1.

5. For first, this was a cause, wherein both *Religion*, and *Civil Rights* were greatly concerned. For the Jews were now pursuing their design to put *Jesus* to *Death*; and never was there an higher violation

olation of *justice* upon Earth, than in the Sect. 1.
 contrivances managed, and the cruelties
 exercised towards him. And this was such
 an opposition of *Religion*, that in the
 highest and most impudent manner, they
 rejected and set at nought the *Messias*,
 whom God had sent, and bad defiance to
 the mighty evidence of his *miracles*, and in-
 tended utterly to have extirpated his ho-
 ly and divine *Doctrine*. Yet he himself
 here took up the *Cross*, and became an ad-
 mirable Pattern of *meekness*; and when
 his Disciples had proposed the Question,
Luke 22. 29. Shall we smite with the
Sword? he severely forbid any such thing,
 and checks *St. Peters* hasty use thereof,
 before Christ had returned an Answer to
 their Question. And, as *St. Chrysostom* Chr. Hom. 85. in Mat.
 observes, *St. Peter* who was *reprehended*
 even with *sharp threatnings*, for what
 he had done; *did so no more*. And
 when our Lord declared, that his *King-*
dom was *not of this World*, he did there-
 by so much design to shew, that he denied
 his Subjects, who were private persons, a-
 ny power to *fight* for their *Religion*, and
 that neither himself, nor his Gospel gave
 them any authority to use the *Sword*;
 that he addeth, *if my Kingdom were of*
this World, then would my Subjects fight,
that I should not be delivered to the
Jews,

B.2.C.4. *Jews*, *John* 18. 36. Such therefore are the rules of the Christian Doctrine, that when *Ferus* had propounded the case, if *Magistrates* neglect their Duty, and become *injurious*, as was done with respect to our Lord and Master, *an privato Gladii arripiendi jus est*, whether a Subject may take *Armes*; he justly answers it with an *Absit*, or a *Detestation* of any such thing.

2. With respect to Officers commissioned.

6. The Persons who came to take *Jesus*, were a *Band of Men and Officers*, *John* 18. 3. no *supreme Governours* themselves, but only persons *commissionated* by them. And they were not sent immediately by *Cesar*, or by *Herod* or *Pilate*, who then had under the Romans, the chief Jurisdiction in *Jewry*; but by the *Chief Priests*, and *Elders* of the *Jews*, (some of whom did accompany the *Souldiers*, *Luke* 22. 52.) who were allowed to exercise some governing power, under the *Romans*. And the time when these *Souldiers* were sent, was, in all probability, after the chief *Synedrial Power* was taken away from the *Jews*, that they might not judge any *capital Causes*, or put any man to *Death*, by their authority, *John* 18. 31. and therefore from *Annas* and *Caiaphas*, *Jesus* was brought to *Pilate*. The *Talmud* saith, that this Power was taken

taken away forty years before the destruction of Jerusalem, which must be three or four years before our Saviours passion, and about the time he did begin to preach. Now though this stroke of St. Peter was not at any of the Chief Priests or Elders themselves, but at an Officer of theirs, and when their power was under its great decay and declination, the Doctrine of Christ doth here condemn it.

7. Thirdly, if the intention of the person be considered, this action was defensive, or an endeavour to deliver his Master, and with a kind of zeal, for the preserving his safety, as is sufficiently intimated in the following verses, Matt. 26. 53, 54. And it cannot well enter into any mans thoughts, that there were any designs laid, by any of the Apostles, for destroying the Elders of the Jews, or turning Caesar out of his Dominions, by these attempts. And though this defence proceeded no further than to cut off an Ear, our Lord not only disliked it, but his action in forthwith healing the ear by a miracle, may seem to intimate, that he thought fit to take upon himself to make restitution, and to repair the injury done, by the rash action of one of his followers. Thus Gratian observed, that when Peter took the material Sword to defend his Master

Sect. 1.
Buxt. Lex.
Rab. in
Hor. Heb.
in Mat.
26. 3.

3. For more
defence.

C. 23. Qu.
8. in Ca-
pit.

B.2.C.4. *Master from the injury of the Jews, he then received this check.*

4. To St. Peter, and therefore to his Successors.

8. Fourthly, if we consider the *Person* who here drew the *Sword*, which St. *John* declares to be *Simon Peter*, it may well be wondred, that any sort of men should believe, that Christ gave *this Apostle*, and others by vertue of *succession* from him, a power to *authorize Subjects*, to take Arms against their *Princes*, in a case where they shall judge the *Church and Religion* concerned; and to *deprive* them of their *Crowns and Dominions*; when himself in person was not allowed, though he was then an *Apostle*, to make such *resistance* as hath been declared. From this instance *Gratian* concludes, *that no Bishop, nor any of the Clergy whatsoever, have any power, either by their own Authority, or by the Authority of the Pope of Rome, to take Armes*: and then they can have as little Authority to *commissionate* others to take them. Nor can this be evaded by saying, that St. *Peter* was not as yet possessed with the *Supreme Sovereign Authority*; For as it no where appears, that he ever received any such thing; so if our Saviour had ever intended to convey to him the supreme power of the *temporal Sword*, he would never have used particularly to him, so general a threatening

Ibidem.

ning against the use of it. And therefore Sect. 1.
 some Romish Writers have put them-
 selves upon undertaking another method,
 and that is by a very bad attempt, to
defend or *applaud* this action of St. Pe-
 ter, which our Lord *rebuked*. *Baronius* Bar. An.
 when he gives us the relation of it, doth 34. n. 67.
 it without any manner of *censure*, but not
 without an *Encomium*, declaring, *quid*
generoso accensus amoris ardore, forti-
ter gesserit. And *Barradius* proposing In Con-
 the question, whether St. Peter did amiss cord. E-
 in this action, resolves it as most proba- vang.
 ble, that he did not; *verosimilius puto,* Tom. 4.
 saith he, *non peccasse.* And *Stella* saith, l. 6. c. 17.
 St. Peter did not *sin* herein, and he com- Stell. in
 pares this action with the zeal of *Phi-* Luc. 22.
neas, whereby he obtained the High-
 Priesthood; and so, saith he, did St. Pe-
 ter.

9. And there are some who would e- Several rea-
 vade the argument, from these words of sons why
 our Saviour, by saying that our Lord did St. Peter
prohibit St. Peter's using the Sword for was rebu-
 his defence, only because he did now ked.
 intend to lay down his *life*, according to his
 Fathers will. But it must be observed,
 that our Saviour lays down three several
 grounds, upon which he checks this act
 of his Apostle, and commands him to *put*
up his Sword; and we must not so assert
 the

B.2.C.4. the validity of any one of them, as to deny or enervate the force of the others.

1. From the *Sin* and *unwarrantableness* of such actions, where persons act out of their own sphere, and what they have not authority to undertake; and this is that I have now discoursed of in v. 52. 2. Because he himself knew, how he could sufficiently procure his own *defence*, by *lawful means*, whereas this action was neither a necessary, nor a proper undertaking for that purpose. Had the Holy *Jesus* intended, to have his person *rescued* out of the hands of the Jews, he could have effected this by *Legions of Angels*, who are under no obligation of subjection to men, v. 53. But Gods Providence can never be so at a loss as to need the help of any unlawful means. 3. Because the thing St. *Peter* aimed at, to hinder his Master from suffering, was no good design, but savoured somewhat of the same Spirit, by which he had formerly rebuked his Lord, when he spake of his being killed, Matt. 16. 22. *For the Scriptures must be fulfilled*, v. 54. and the *Cup* (saith our Saviour) which *my Father gives me to drink*, shall I not drink it? Joh. 18. 11. And every one of these are parts of Christs *Doctrine*, and the first as much as the other, and is that

that also which our blessed Lord thought Sect. 1. fit to mention *before the other.*

10. With respect to this Text, *Man-* This Text
anciently
used to this
purpose.
Eucher.
Lugdunens.
Epist. ad
Sylv.
ritius, who commanded the *Thebean Legion*, which being all Christians, yielded themselves to Martyrdom, under *Maximianus*, told them how much he feared, lest they being in Armes, should have resisted the Emperour, under the colour of defence, when this was forbidden by Christ, who by the *command of his own mouth*, would have that *Sword* which his Apostle had drawn, to be *put up*. And *S. Aug. de Agon. Christ.*
Austin, who sometimes extenuated *St. Peter's* fault, as proceeding from his love, and not from any *cruel disposition*, that he did, *amore peccare sed non savitia*, in his Books against *Faustus*, gives this account of the sense hereof. *The Lord did with sufficient threatening check the fact of Peter, saying, Put up the Sword, for he that useth the Sword shall fall by the Sword; but he useth the Sword, who, when no Superiour and lawful power doth either command or allow, useth Armes against the Blood of another.* Contr. Faust. l. 22. c. 70. & in Epist. 48.
And from this Text also *Gratian* inferreth this general rule, that *every one who besides him, or without his Authority, who useth the lawful power, who beareth not the Sword in vain; and to whom*
every Grat. Dec. ubi sup.

B.2.C.4. every Soul ought to be subject, I say every one who without such authority takes the Sword, shall perish by the Sword.

Assen.

Annot. in
Luk. 22.
51.

* 11. And even the Annotations under the name of the *Assemblies Annotations*, do interpret these words to condemn Subjects taking the Sword, especially against their Superiours. Neither Peter, say they, nor any other private person or persons, might take up the Sword, to defend the cause of Christ. 1. Because the *Jus gladii* belongeth not to any private person, but to publick Authority, Rom. 13. 4. much less to Ministers. 2. Because they who smite with the Sword, shall perish with the Sword. And Grotius de Imperio, asserteth, that when Christ said, He that taketh the Sword shall perish by the Sword, he doth expressly condemn that defence, which is made by violence, against unjust force from publick Authority, *contra vim injustissimam, sed publico nomine illatam*. To which I shall subjoin the Paraphrase of Dr Hammond, All that draw and use the Sword, without Authority from those which bear the Sword, shall fall themselves by it, incur the punishment of Death.

Gr. de
Imp. c.
3. n. 6.

Grot. in
Mat. 26.
52. & de
J. B. & P.
l. 1. c. 3.
n. 3.

12. Indeed Grotius doth sometimes interpret this Text to this purpose, as if it intended to declare, that God would punish

with them who are bloody as the Jews who Sect. 1.
 came against our Saviour, though S. Peter
 let them alone; and this sense is imbraced
 by some other Writers, even of the Anci-
 ents. But since these words were spoken
 by Christ, soon after his Disciples had asked,
shall we smite with the Sword? and im-
 mediately upon the act of Peter, the natural
 and direct sense of them must relate there-
 to. And it is a forced interpretation, to car-
 ry them off from the occasion, on which
 they were spoken, and to which they were
 applied by other *ancient Writers*, besides
 them abovenamed, and to account them
 only to contain a *threatning* against the
 actions of the Jews. And even *Grotius*
 upon S. *Matthew*, doth from these words
 conclude, that *Christians* ought to lay
 down their lives, in the profession of *Chri-*
stianity, without *resistance*; and objecting
 the natural right of *self-defence*, he tells us,
 we must distinguish between the using that
 right, against *thieves* and private persons,
 against whom it may be used by the *autho-*
riety of the Laws; and the designing any
 violence against the rule and command of
 the *Sovereign power*.

Orig. in
 Mar. Tract;
 35.
 Tert. de
 Patient.
 c. 3.
 Grot. ibid:

13. Our Saviour indeed advised his
 Disciples, *Luk. 22. 36.* *He that bath no*
Sword, let him sell his Garment and buy
one: which words were spoken the same

B.2.C.4. night with the other abovementioned, and before he went out to the Mount of *Olives*, v. 29. And hereby he gave liberty to his Disciples, to use the Sword for their *self-defence*, against *private violence* and Robbers, who were at that time, as *Josephus* relates, very numerous. But that no Christians might think themselves to have any liberty granted, of *resisting authority*, he gave this sharp rebuke to *St. Peter*, after he was come into the Mount of *Olives*. And against all those who would from these expressions of Christ, or any other, plead for the lawfulness of *resisting a Sovereign power*, the words of *Erasmus* are very argumentative, as well as earnest and vehement. *Nulla heresis perniciosior, saith he, reclamantibus Christi praeceptis, reclamante tota ipsius vita, reclamante doctrina Apostolica, refragantibus tot Martyrum millibus, repugnantibus vetustis interpretibus. There is no Heresy more pernicious, the Precepts of Christ decrying this, the whole life of Christ being opposite to it, the Apostolical doctrine testifying against it; it being also rejected by so many thousands of Martyrs, and contradicted by the ancient Interpreters.*

*Erasim. In
Luc. 22.
36.*

SECT.

SECT. II.

Of the Apostolical Doctrine against resistance: with a reflexion on contrary practices.

1. From the doctrine delivered by our Saviour himself, I now descend to that which was declared by his *Apostles*, which we shall find to keep an exact harmony with the former. And here I shall chiefly consider that remarkable place, *Rom. 13. 2. whosoever resisteth the power, resisteth the Ordinance of God, and they that resist shall receive to themselves damnation.* Where the ἀντιτάσσας, which we translate *resist*, doth enclude all practising out of a Spirit of *averseness*, opposition and contradiction, and whatsoever is contrary to the ὑποτάσσας, or *being subject*, v. 1. as may appear by the use of this word, *Act. 18. 6.* And to this sense *Grotius* observes, *Gr. de Resistitur dupliciter, aut contra imperium Imp. c. 3. n. 6. agendo, aut vim vi reprimendo.* There are two ways of resisting; either by acting contrary to Authority, or by using force against it. But the resistance by violence, which is the highest manner of opposition, is therefore principally condemned. And such actions are declared to be a *resisting*

B.2.C.4. *the Ordinance of God, and therefore highly sinful; and to be so dangerous, that they who are guilty thereof, shall receive to themselves κείμῃ, judgment or damnation.*

That it deserves punishment both from God and Man.

2. And I suppose it may be made manifest, that the Apostle here by κείμῃ, doth both understand the *judgment of man*, or punishment by the hand of justice by the *Magistrate*, and also the *judgment of God*, or the sentence of his *condemnation*. This appears from the Apostle's conclusion, which he maketh with a very forcible illative expression, διὸ ἀνάγκη, *wherefore ye must needs be subject*, not only for *wrath*, i. e. outward humane punishment, but also for *Conscience sake*, or fear of the divine judgment, v. 5. And that they who *resist*, deserve heavy punishment by the *temporal Sword*, is according to the Doctrine of Christ himself in the former Section, and of Salomon, Prov. 20. 2. To this sense do Vatablus and Grotius most incline, in expounding this Text. And this sense must be included in the intention of the Apostle, because this practice being declared evil, in the former part of v. 2. it is added, that *Rulers are a terrour to the evil*, v. 3. and *if thou do that which is evil, be afraid, for he beareth not the Sword in vain*, v. 4. And in such Cases

In loc.

as these, the sentence and punishment inflicted by the *Magistrate*, is the more considerable and dreadful, because he is herein appointed by God, to act as from him, and by his authority, being the *Minister of God, a Revenger, to execute wrath upon him that doth evil, v. 4.* But this word must also include, the *judgment of God* and his condemnation. For since this resistance is a *Sin*, and against the *Ordinance of God, v. 2.* that person who puts himself upon breaking his Commands, and opposing his Authority, must thereby render himself *guilty before God*; or in *S. Chrysostom's* expression concerning this Text, he doth Θεὸν παροξύνειν, *provoke God*, and must expect from him, δίκην σφόδρα μεγάλην, *heavy judgment.*

Chryf. in
Ep. ad
Rom.

3. And these assertions of the Apostle, will appear the more considerable, if some circumstances be observed, 1. What *condition* of the *Christian Church*, was then coming on when these Rules were delivered to the Christians. It is very probable, that this Epistle was written, some few years before the beginning of the *persecution* against the Christians, under *Nero*. But the Holy Ghost, who then fore-saw and foretold the *troubles*, which were shortly to come upon them by the *Roman power*, thought fit to give them these directions,

Resistance
not allow-
ed in perse-
cution.

Baron. an.
58. n. 46.
& an. 66.
n. 9, 10.

B.2.C.4. to be observed as their Rules, in their approaching calamities.

Nor against
wicked Ru-
lers.

4. Secondly, who was then possessed of the highest power at Rome, unto whom the Apostle commands *Subjection*, and against whom he condemns all *resistance*: Now this is commonly acknowledged to have been written under the Reign of *Nero*, who was a man of excessive intemperance and lust, and prodigious cruelty, even to that height, as to cast off natural affection to his nearest relations. In his time *Suetonius* tells us, *punishments* were inflicted upon the *Christians*, and according to *Tacitus*, *pænis quæsitissimis*, by the most exquisite pains; and he is noted by *Tertullian*, to be the first of the Roman Emperours, who undertook fiercely to persecute *Christianity*; and under him *S. Peter*, and *S. Paul*, and divers other *Christians* were cruelly put to death. And yet in this Case, and under that Emperour, whom the *Roman Spirit* would not endure, without taking *Armes* against him, and whom their Senate declared to be an *Enemy*, and to be punished, *more majorum*, by an infamous Death, *S. Paul* would not allow the *Christians* to resist, and take *Armes* against this higher power. And this was the *Christian temper* and Spirit, that they kept themselves free from all those

Suet. in
Ner. n. 16.

Tac. An-
nal. l. 15.
Tertul. A-
pol. c. 6.
& in Scor-
piac. c. 15.

Suet. in
Ner. n. 49.
Tacit.
Hist. l. 1.
Aur. Vict.
in Ner.

tumults

tumults and Seditions, which other persons Sect. 2.
in the Empire were many times engaged in.
And this is that which gave Tertullian oc- Tert. ad
casion to say, *nunquam Albiniani, vel Nigri- Scap. c. 2.*
ani, vel Cassiani, inveniri potuerunt Chri-
stiani.

5. And since the Church of Rome was
founded in the beginning of the Govern-
ment of Claudius, and S. Paul was put to
Death in the end of Nero's time, who was
the next Successor to Claudius in the Em-
pire, this Epistle to the Romans must be
written in one of their Regins. Indeed
Illyricus, and Dr. Hammond sometimes Illyr.
think it, to have been written under Clau- Chronol.
dius. And those expressions in this Epi- in A.R.
stle, which intimate that S. Paul before Apost.
the writing thereof, had never been at Dr. Ham-
Rome, with this Christian Church, may monds An-
possibly seem to encline to the same sense, not. on the
Title of the
Ep. to Rom.
Ch. 1. 10,--13,--15. and Ch. 15. 19,--22, 23.
But it was certainly written many years
after the Conversion of the Romans, *Ch.*
15. 23. And if it should be supposed to
have been sent to them under Claudius;
even he was not much a better man than
Nero. For Claudius was a debauched and
vicious persons, and barbarously cruel:
to which purpose amongst other expressi-
ons, Suetonius saith of him, that he was
libidinis profusissima, and also *severum &*

B.2.C.4. *sanguinarium natura fuisse apparnit.* And even he was so great an Enemy to the right worship of the only true God, that under the name of *Jews*, he banished also *Christians* from *Rome*, *Act.* 18. 2.

Rutherf. of
Civ. Policy.
Qu. 32.
The New
Testament
gives re-
spect to the
Emperour
above the
Senate.

6. But because there are some who say, that these expressions of the Apostle, have no particular mention of *Nero*, or any *Emperour*; and therefore may as well have respect to the *Roman Senate*; To obviate this exception it may be observed, that where-soever in the *New Testament*, there is any notice taken of, or any respect given to the *Roman power*, this is done with a principal and primary respect to the *Emperour*, and subordinately to others as his *Officers*. This is manifest in the *Gospel*, the *Acts* and the *Epistles*. The *taxing* or enrolling at the Birth of our Saviour, was by the Decree of *Augustus*; and the *tribute-money* had *Cesars Image* and Inscription, to whom Christ commanded the Jews to render what was his. *S. Pauls appeal* was made unto *Cesar*, and *S. Peters* commanding submission was directed to the *King as supreme*, and to *Governours as unto them who are sent by him*. So that the Spirit of God speaketh much in favour of *Monarchical power*, though then *Pagan*, but gives no encouragement to the notion of them, who would embrace a *popular Sovereignty*.

7. Now

7. Now these words of St. Paul are so Sect. 2.
full, that I shall not need to add any further evidences of Scripture in this particular. But when S. Peter and S. Jude, so 2 Pet. highly condemn the *despising Dominions*, 2. 10. and *speaking evil of dignities*, as sins against which God will chiefly execute judgment, it is evident à majori, that their doctrine cannot give allowance to that forcible resistance, whereby the greatest contempt of dignities is expressed, and which runs higher than to *speak evil*: especially when S. Jude speaks particularly against them, who *perish in the gain-saying of Core*, or in the practices of Sedition. And S. Peter also proposeth the *example of Christ*, as that which he himself intended, should be an *example* to all Christians, who when in well-doing he was *reviled*, *reviled not again*, *when he suffered he threatned not*, *but committed himself to him that judgeth righteously*, 1 Peter 2. 19, 20, 21, 22, 23.

8. Having now shewed, that the *Christian Doctrin* doth fully provide for the safety and security of Princes; it is matter of wonder, that any men should have the confidence, to make *Christianity* a foundation, for the highest *resistance* against Princes, to *depose* them from their Crowns, and forbid Subjects to yield them obedience: Christianity doth not infringe Sovereignty.

B.2.C.4. **ence**: and this Authority the Pope claims upon a *Christian title*. Bellarmine affirms it to be a thing agreed upon, by their Lawyers and Divines, that the Pope may by right depose heretical Princes, and set free their Subjects from obedience to them: for *cum hac conditione reges terre ad Ecclesiam admittuntur*, &c. upon this condition the Kings of the Earth are admitted unto the Church, that they shall subject their Scepters unto Christ, and that they should protect and not destroy Religion: which if they will not do, he who is over the whole Church, in the place of Christ, *vice Christi*, hath a right to separate them from the Communion of the faithful, and to forbid their Subjects from giving them obedience. Indeed all persons by their Baptism, are engaged to yield up themselves to be Subjects to Christ. But how can the baptism of Princes, include a condition that they must yield their Scepters to be disposed of by any Officer of the Christian Church, when they are baptized into that Doctrine, which makes so great provision for the security of Kings, and against all manner of resistance: This would make Christianity to be prejudicial to the Authority of Governments; to assert which is contrary to the nature of its doctrine. And the Holy Spirit

Bellarm.
in Resp.
ad Apol.
pro Juram.
fidelit. in
init.

rit seemeth to have taken special care to Sect. 2.
prevent this claim, in any person of the
Romish Church, in that *whosoever resist-*
eth the power, &c. being particularly di-
rected to that Church, must deny all power
to any person therein, to oppose the au-
thority of *Rulers* under the peril of *dam-*
nation.

9. But though the *directions* of our *Matters of*
Religion be plain, History will acquaint *fact* are not
us, that there have been many contrary *here to be*
practices, as matters of fact. But these are *urged a-*
no more to be urged against the rules of *gainst Rules*
Duty in this, than in other actions of *of Duty,*
dis-
obedience, and swerving from Gods Com-
mandments. It was worthily said of
Grotius, *armorum in Reges sumptorum* Gr. de
exempla, ---- *qui non precario, sed proprio* Imp. c. 3.
jure imperabant, laudari salva pietate non n. 8.
possunt, quemcunque tandem pretextum
aut eventum habuerint. The examples of
Armes taken against Kings who governed,
not by a precarious, but by their own proper
right, cannot be commended without viola-
ting piety, whatsoever pretence or success they
had.

10. But because some have pretended, *though at-*
that where such attempts have met with *tended*
success, this success was a Testimony of *with suc-*
Gods providence approving them, such *cess.*
Pleas are of a very dangerous and evil na-
ture ;

B.2.C.4. ture; especially because, 1. They are in some degree *blasphemous*; as if the holy God who hateth all evil, and hath given strict commands against it, were to be esteemed an *approver* of all that wickedness in the World, where he doth not either forcibly *restrain*, or immediately *destroy* the Offender. 2. This pretence is greatly opposite to the principles of *Christianity*, both in despising and abusing the *patience* and long-suffering of God; and in building upon such foundations as can bear no weight, unless men overlook and disregard the *future account*, and the rewards and punishments of another World.

11. There have been some instances of the most pious and *worthy Princes* as well as other good men, meeting with many troubles and *injuries* in this life. Besides what was done in our own Age and Nation, which cannot be forgotten, nor yet *remembered* without indignation, it is observed by *Baronius*, that the Emperour *Gratian*, in that very year in which he had so vigorously endeavoured the subversion of *Gentilisme*, and the advancement of *Christianity*, was forsaken of his own *Army*, and died by the hands, and under the scorn of *Rebels*. And in the *Saxon Heptarchy* in this Island, in a small
com-

Baron. An-
nal. Eccl.
an. 383.
q. 5, 6, 7.

compass of time in the seventh Century, Sect. 2. seven Christian Kings are related to have ended their lives by *violence*; whereof four were the *first Christian Kings* in their Kingdoms, and the other restorers of Christianity. But that which may be truly inferred from such things is, that God doth suffer evil actions and *injuries* to be done, for some time in this World, and that Piety and Goodness hath a *reward* beyond this life.

12. There are those also, who have had the better thoughts of *rebellious practices*, because some persons who have been engaged in them dyed, as is reported of *Cassius Cherea* in *Josephus*, without any sense of *remorse*, and with an undaunted courage, and *obstinate resolution*. But the measures of good and evil must be taken from the *rules of Duty* and *Conscience*, and the Will of God, and not from the *temper* and expressions of Offenders and Transgressors. It is too easie a thing to produce examples of the *Practisers* of the several sorts of sins, who have gone on therein without *relenting*; which speaks their case the more *dolesful*, and themselves the more *hardned*. Such was the case of the generality of the *Jews* in their perverse opposition against the *Holy Jesus*, and of the Conspirators with *Co-
rab*

Full. Ch.
Hist. l. 2.
an. 642.

Or a resolute temper
in the Practisers.

Jos. Ant.
Jud. l. 19.
c. 3.

B.2.C.4. *rab* against *Moses*. And when *Julian* the Apostate from, and great Enemy to Christianity, had received his deadly wound, *Ammianus Marcellinus* relates him to have spoken to this purpose to his Souldiers; that he was not grieved but rather rejoyced at the appearance of *Death*; and that from his past life and actions he found nothing therein to repent of, or that was any trouble to his mind to reflect upon, *non me gestorum pœnitet, aut gravis flagitii recordatio stringit*. And *Maximus* the Philosopher, who was the Instructor of *Julian* in *Gentilism* and its impieties, and the Incentive of all that opposition which Christianity met with under his Reign, as *Baronius* noteth, did in his defiance of Christianity endure exquisite punishments, with such an erect and resolute mind, as made his Spirit to be admired, which *Eunapius* declared with the flourishies of many oratorical expressions.

Ammian.

Marc. l. 25.

Bar. An-
nal. an.364 n. 16,
17.Divine
judgments
against
seditious
persons.

13. But though the full declaration of the righteous Judgment of God, is reserved chiefly to the great day, yet his severe proceedings in some special cases, have sufficiently testified his displeasure against the Actors of Sedition. Could any thing be more remarkable than that the Earth should swallow up *Corah* and his

his Company, immediately upon *Moses* Sect. 2. his pronouncing that sentence upon them, and that the *Fire from the Lord* should consume two hundred and fifty that offered incense, *Numb.* 16. 30, 31, 35. and a dreadful *Plague* should presently destroy fourteen thousand and seven hundred of their Abettors? And that these sad judgments had a particular respect to their rebellion against *Moses* and his Government, as well as to their insolency against *Aaron*, is manifest from *Psal.* 106. 16, 17. and *Numb.* 16. 3, 13, 14. And when *Julius Caesar* was slain in the Senate, the Roman Histories acquaint us, that scarce any of the *Conspirators* outlived him above three years, or dyed a natural death; and that some of them became their own *Murderers*, and slew themselves with the same weapons, with which they had assaulted *Caesar*. And *Valerius Maximus* Val. Max. l. 1. c. 8. relates, that *Cassius*, who was one of them, being hotly engaged in the *Philippian Army*, *Julius Caesar* appeared before him with greatness and majesty; and in his imperial Habit, upon a swift Horse, and with a terrible Countenance, rushed upon him; at which apparition he being affrighted, and expressing his troubled reflections upon the death of *Julius*, turned his back upon his Enemies. And many other

B.2.C.4. ther instance of this nature , are mentioned by *Rabanus Maurus* , and other Authors.

Reb. Maur.
de Reve-
ren. c. 3.
Remark-
able Provi-
dences in
preserving
Princes.

14. And Ecclesiastical Historians give us an account of strange Acts of Providence, for the preservation of many Princes against their Conspirators. As that the Army of *Magnentius* , when they designed acclamations to him as *Cæsar* , who made an *insurrection* against *Constantius* , their voices against their own intention were so over-ruled, that instead of *Magnentius* , they named *Constantius* , and expressed honour to him. And soon after

Soz. l. 4.
c. 6.

Magnentius being defeated, made a present escape by flight , and then *murdered* first his Mother , and his Brother , and then himself. And the attempts of *Gainas* , who rose up against *Arcadius* , are related by *Socrates* to have been expressed, by the appearance of an Army of Angels , as a Guard about his Palace , which so astonished them who were with *Gainas* , that they gave over their attempt And when the small Army of *Theodosius* was engaged against the formidable Forces of *Eugenius* , who rebelled against him , the Enemies Darts and Arrows are related to have been forced back upon themselves , by the rising of a violent Wind. To these I shall adde that late relation

Soz. l. 6.
c. 6.

Theod.
Hist. l. 5.
c. 24.

con-

concerning King James, whom when Ag- Sect. 3.
nes Sampson had undertaken to kill by Sportw.
Witchcraft, her Familiar Spirit which She Hist. of Sc.
employd to effect it, came to her and told B. 6. an.
her it could not perform it, adding these 1509.
words which She did not understand; *Il-
est Homme de Dieu, He is a Man of God.*
And though all these things deserve con-
sideration, the plain Rules of Conscience
and Religion give the most full and unex-
ceptionable Testimony of the great dis-
pleasure of God, against all actings of Treas-
on and Sedition.

SECT. III.

*The practice and sence of the Primitive
Church concerning resistance.*

1. Above the examples of any other sort of men, the Spirit of the Primitive Chri-
stians, deserves to be revered and re- The Loyal
garded. Whilest they lived under Pagan Spirit of
Emperours, before the time of Constan- the Primi-
tine there was no such thing heard of, as tive Chri-
their undertaking to depose their Kings stians.
or Emperours, nor no pretence of power
in any Christian Bishop, to absolve them
from their allegiance. And I think that
for three hundred and forty years after
Christ, there can be no one instance gi-

B.2.C.4. ven of any Christians making any forcible opposition, by taking Armes against their Governours. *Origen* in his time tells *Cont. Cell.* *1.3. p.115.* *Celsus*, that he could shew *ὅτιν ἑσώσας ἔσ- πορ*, no undertaking of Sedition among Christians, who were not allowed to defend themselves against their Persecutors.

Under heavy sufferings.

2. Yet the heavy sufferings of the Christians were then very great, not only by reason of the several cruel deaths inflicted upon divers of them; but also because of the great multitudes who died *Martyrs*, in bearing the Cross, and following the patience and meekness of Christ. Of which I shall give three instances, from the several parts of the World, in the end of the third, and beginning of the fourth Centurie. *Eusebius* acquaints us, that in the Dioclesian Persecution, in *Thebais*, which was none of the greatest Countries of *Africa*, there were not only for some days, but for some whole years together, sometimes ten or twenty, oft thirty, other times about sixty, and sometimes an hundred with their Wives and Children, in one day slain, by various Methods of cruel Death. And he himself had there seen some put to Death by fire, and others the same day by the Axe, even so many, that the Executioners were tired

Eus. Eccl. Hist. l. 8. c. 9.

tired out, and their Axes blunted. Such Sect. 3.
instances speak the admirable *patience*, hope
and obedience of those holy men, and the
wonderful Power of God, that preserved
and *propagated* his Church notwithstanding
so great *oppositions*.

3. In *Persia*, *Sozomen* tells us, that un-
der *Sapores* his Reign, there were *sixteen*
thousand Martyrs, of whom an account
could be given by name, and that be-
sides them there were so great a multi-
tude, who died for the profession of Christ,
that they were more than could be num-
bred. And in *France* the *Thebean Legi-
on* of almost seven thousand Christians,
being all armed, and valiant men, became
Martyrs, by the cruelty of *Maximianus*
the Emperour, when they refused to join
in the *Pagan worship*, the Emperour com-
manded twice that every *tenth man* should
be put to Death, but after both these exe-
cutions, the remainder persisting in the
same resolution, were all commanded to
be *slain*. But they according to the counsel
of *Mauritius* and *Exuperius*, their Com-
manders, tell the Emperour, that they sub-
mitted their Bodies to his power, that they
could never be charged with *cowardise*
or deserting his Wars, but in this utmost
peril where desperate circumstances might
make men more *resolute*, they would not

Sozom.
l. 2. c. 103
13.

B.2.C.4. take *Armes* against him, yea, said they, though we have *Armes* in our hands, we will not use them for resistance; *tene-mus Arma, & non resistemus*. This famous Story related by *Eucherius* and the Martyrology, is thence insisted on by *Baronius* and *Grotius*, as also from *Crantzins*, and others. And a like account is given by the *Magdeburgenses* from *P. de Natalibus*, *Simeon Metaphrastes*, and *Vincents*.

4. And the chief Guides of the Christian Church, who lived under the *Arian Princes*, and *Julian* the Apostate, retained the same spirit and sense of their duty. Among other slanders, with which *Athanasius* was charged, he was accused before *Constantinus*, of conspiring with, and stirring up *Magnentius* against him. But *Athanasius* not only denyeth the fact, and declareth how he had openly prayed for the success of *Constantinus*; but he utterly disclaimeth such things, as not consistent with *Christian Principles*, affirming, that if there was any appearance of any such thing in him, he would condemn himself to myriads of deaths. And he entreats the Emperour, that he would have no such suspicion against the Church, as if any right Christian, and especially a Bishop, would advise or write any such thing. And much

Bar. an.
297. n. 10,
11, 12.

Grot. de J.
B. & P. l.
1. c. 4. n.
7. & de
Imp. c. 3.
n. 14.
Cent. 4. c.
12. Col.
1420.

Athan. A-
polog. ad
Const.

much more is in the same *Apology*, in dete- Sect. 3.
station of *resistance*, though *Constantius*
was an *Arian*, and a *Persecutor*, and *Atha-*
nasius had in his Reign been ejected from
Alexandria.

5. Under *Julian*, *Nazianzen* decla- Naz. Orat.
red that the Christians only *Armes*, for- 4
trefs and defence, was their *hope in God*.
And when under *Valentinian* the youn-
ger, *St. Ambrose* was required to yield up Ambr. O-
his Church to *Auxentius*, he tells his peo- rat. in
ple, *I shall not leave you willingly, if Auxent.*
I be compelled, I know not how to with-
stand. I can grieve, I can weep, I can
groan, aliter nec debeo, nec possum resiste-
re; by other means I neither ought, nor
can resist. And the language that he,
and the other sound Christians then used,
was, *Rogamus, Auguste, non pugnamus; We*
ask, O Emperour, we fight not; and tra- Id. in E-
dere basilicam non possum, sed pugnare pist. 33. ad
non debeo, I cannot yield up the Church, Marcellin.
but I ought not to fight. The result of
all these Testimonies is, that when the au-
thority, laws, and rules of Government
they lived under, did oppose the Christi-
an Profession, or the truth and purity of
its Doctrine; they thought it their Duty
patiently to *suffer*, and not in opposition
to those laws which were then established
to take up *Armes* against their Governours.

B.2.C.4. But against the force of this argument from the primitive practice, there are two Objections which must be answered.

The ancient
Christians
did not
want
strength.

Bell. de
Rom. Pont.
l. 5. c. 7.
2. 22. qu.
12. Art. 2.
Azor. In-
stic. Mor.
Part. 2. l.
10. c. 2.
qu. 2.

6. Obj. 1. Many do assert, that the reason why the ancient Christians did not resist or depose their Emperours, was, because they wanted sufficient strength to carry on such an undertaking. To this purpose speaks Card. Bellarmine, *Quod si Christiani olim non deposuerunt Neronem, & Diocletianum, & Julianum Apostatam, & similes, id fuit quia vires temporales deerant Christianis.* And to the same purpose write Aquinas, Azorius, and others. But if this had been a method which God had accounted fit for them to undertake, he who wrought so many miracles for the propagating Christianity, and enabled the Apostles, and other Christians to prevail against the power of Satan in the World; could have made the undertaking of a few Christians, to have been successful against the power of the Empire, as well as he did the Army of Gideon against the Midianites, and Jonathan and his armour-bearer against the Philistines. But that I may further detect the falshood of this slander, invented to stain the Honour and Loyalty of the Primitive Martyrs; I shall note four things.

7. First

7. First I note, That this suggestion Sect. 3.
doth cast an high *disparagement* upon
the *Precepts* of Christianity. For this
must speak the Apostles to *dissemble*, and
deal hypocritically, when they command
obedience even for the *Lords sake*, and
forbid *resisting* the Power, as incurring
damnation, and opposing the *Ordinance*
of God; if notwithstanding all this, they
would allow the Christians to *take Armes*
against their Rulers, whensoever they
should have *strength* enough to carry on
such an enterprize. What is this but to
undermine the *simplicity of the Gospel*,
and to suppose the *Apostles*, under a dis-
guise, to *pretend* God and Religion, where
they had really no regard to them, but to
the carrying on a *politick design*, and a
contrivance of *craftiness*? And upon this
account, F. Blackwell declared his great
dislike of this suggestion of *calumny*. And
certainly it is as much against the nature
of our Holy Religion, to assert that the
Precepts of *Obedience*, *Subjection*, and
Meekness, should be restrained to those
times, when they were in no capaci-
ty of doing many great actions, which are
contrary to these virtues: as that the com-
mands against *fleshly lusts*, and *pride* did
only belong to that time, when Christi-
anity was *persecuted*, and the Profes-

Blackwells
Examln.
Sect. 3.
50, 51.

B.2.C.4. fors thereof were in a low and mean estate.

8. Secondly I note, That this is contradictory to the *Spirit* and temper, which the *ancient Writers* declare, concerning the Christians of their time. For besides the frequent Profession they made of their acknowledging the Governours they lived under, to be *constituted by God*, and that therefore it was their Duty to be subject to them, and honour them: It is not possible that those Christians should forbear *Resistance* only for want of *strength to effect it*, who thought it their Duty to *pray* for those *Pagan Emperours*, that their Life and Government might be *preserved*. So Tertul. A-
pol. c. 30. *Tertullian* declared under the persecution of *Severus*, *Precantes sumus semper pro omnibus Imperatoribus, vitam illis prolixam, imperium securum, &c.* We ever pray for all Emperours, their long life, and the safety of their Empire. And Dionysius of
Eqf. Eccl. Hist. l. 7. c. 11. gr. *Alexandria*, under the persecution of *Valerian* and *Galienus*, averreth that the Christians constantly prayed, that their Kingdom might remain *unshaken*. And S. Aug. in
Psal. 124. *Austin* saith, that though *Julian* was an *Apostate*, an *Idolater*, and a wicked man the Christian Souldiers were subject to him, their *temporal Lord*, out of respect to their *eternal Lord*.

9. Thirdly

9. Thirdly I note, That there is Sect. 3.
 no truth in that Plea, that the Christians
 in the Primitive Times, always *wanted*
strength. For though at the first plant-
 ing Christianity their numbers were small,
 yet they did in a short time increase, to
 great and vast *multitudes*. Tertullian Apol. c. 37.
 would never have had the confidence,
 to make so plain a profession of the
strength, and *number* of the Christians to
 the Roman Emperour and Senate, if it
 had not been truth. Saith he, *If we*
would act the part of open Enemies, could
we want Numbers or Armies? — *we*
have filled your Cities, Isles, Castles,
Camps, &c. for what War should we be
unfit, though our numbers were unequal,
who can so readily lay down our lives, if
our Religion did not require us rather
to dye, than to draw our Swords to kill
others? And among other expressions Tertul. ad
 which he useth to Scapula, the Gover- Scap. c. 2.
 nour of the African Province, concern- & c. 5.
 ing the great multitude of Christians, he
 tells him, they were *pars penè major Ci-*
vitatis cujusque, almost the greatest part
 of every City. Had the numbers of Chri-
 stians been small in St. Cyprian's time, he Cyp. ad
 would never have written to the Procon- Demetri-
 sul of Africa, *quamvis nimius & copi-*
osus sit populus noster, that though the
 company

B.2.C.4. company of Christians were *very great and numerous*, yet they would not *revenge themselves against the unjust violence* of their Persecutors.

10. But if any persons should groundlessly imagine, that these Christian Writers did either *mistake* their own numbers, or were willing to *represent* them as more considerable than they really were, for the honour of their Profession, and to make them the more regarded by their Opposers; There can be no such Objection against the Testimony of the Emperor *Maximus*. He was one of the fiercest Enemies that Christianity ever had; who, as *Nazianzen* testified, was a greater Persecutor than either *Diocletian* or *Maximianus*, and yet in his Epistle to *Sabinus*, recorded by *Eusebius*, he speaks it to have been a thing, generally and universally known among men, that in the entrance of *Diocletian*, *ἄνθρωποι ἀριθμῶντες*, almost all men had left the Heathen Worship, and had joined themselves to the Society of the Christians. And in the time of *Julian*, not only the greatest part of the Empire was Christian, but even of his Army also; who did so profess themselves, when they had chosen *Jovian*, to succeed him upon his Death.

Naz. Orat.
3.

Euf. Hist.
Eccl. l. 9.
c. 9. gr.

Theodor.
Hist. Eccl.
l. 4. c. 1.

11. Fourthly,

11. Fourthly, I note also, That it was truly observed by *Barclay*, that *Valentinian* the younger, who was an *Arian*, might as easily have been resisted, and deposed by the Catholick Christians, as any *King* or *Emperour* whatsoever, if they would have undertaken any such thing. For the strength of the Eastern part of the *Empire*, was then in the hands of *Theodosius*, who was a zealous promoter of the true Faith; and the main part of the Western *Empire* was then over-run by *Maximus*, who continued his power for some years, was an Enemy to the *Arians*, and expressed great respect for *S. Ambrose*. The Army also of *Valentinian*, whose residence was then at *Millan*, where *S. Ambrose* was Bishop, was so disaffected to the *Emperour*, that they declared, as *S. Ambrose* informs us, that they would go over to those, to whom *S. Ambrose* should direct them, unless the *Emperour* would communicate with them, who embraced the true Faith. But in this Case *Theodosius* protected and assisted *Valentinian*, and *S. Ambrose* disclaimed all resistance against him, and espoused his interest to the utmost against *Maximus*.

Sect. 3.
G. Barcl.
de Potest.
Papæ, c. 8.

Ambr. Epist. 33. ad Marcellin.

12. Against this instance *Bellarmino* alledgeth, that it was not a fit Case for the Church to make use of her power towards
Valen-

B. 2. C. 4. *Valentinian*, because he was then but young, and what he acted was by the contrivance of his Mother *Justina*, who was an Arian; and there might be hopes, that he might afterwards be converted to the right Faith, as indeed he was. But this is but a very weak exception. For if any *Christian Bishop* was intrusted with any superiority over the *Crowns of Princes*, in order to the Churches good, he would but ill discharge his Duty, if he will suffer the Church to be harassed, and persecuted, all the time of their *minority*, when it was in him to help and prevent this, by the regular exercise of his power. Surely if there was any such authority, which God had placed over the *temporal power* of *Princes*, it would have been the most proper time, to have undertaken to rule them in those tender years, in which they are most apt to be imposed upon, and to be led aside by others. Had there been any superior authority, to chastise erring *Sovereign Princes*, by temporal punishments, it had been most reasonable to begin the exercise thereof in their younger years, that by their timely *submission* and repentance, the Church might have the greater advantage by their whole future life. And because he was then led by his Mother, it would have been then, if ever, seasonable

Bellarmin.
de excus.
Barclaii,
c. 8.

sonable to have let him understand, that he Sect. 3.
was bound with respect to the right of his
Crown, to please the *Bishop of Rome*, ra-
ther than to be guided by her. But nei-
ther in this, nor in any other Case, for
many hundred years before and after it, did
ever the Romish Bishops, either *claim* or
make use of such *authority*, though ma-
ny of them in those ancient times, wanted
not *zeal*, to undertake any thing, even
Martyrdom, for the advancement of the
Christian profession.

13. Obj. 2. Some *instances* are urged, Blond. in
to prove that the Primitive Christians in Sch. ad
some Cases, did *take Armes* against the So- Grot. de
veraign power. When *Grotius* had urged Imp. c. 3.
this argument, from their general *submis- n. 14.*
tion, without any *forcible resistance*: the
Scholia annexed in the Margent, under the
name of *Blondell*, mention two stories, *Primitive*
within three hundred and forty years after *Christians*
Christ, and some others of an after date, *vindicated*
as instances of *resistance* in those Christi- from all ap-
ans. Now if all this were true, the *primiti- pearance of*
rule in this Case, is rather to be mea- *Sedition.*
sured by the *Doctrine*, and declared sense
of the most *eminent men* in the Church,
than by a few contrary practices. Even in
those times there were some evil actions,
committed by them who professed the do-
ctrine of our Saviour; the Church was not
then

B.2.C.4: then free from *Heresies*, *Schisms*, and other Crimes, which administred matter for *Canonical censures*. Yet from what appears, I see not but that the Duty of *peaceable submission* was so universally practised by Christians, unto their *secular Governours*, for above three hundred years, that they cannot be taxed with any one instance of *seditions insurrections*.

14. In the first instance there mentioned it is said, that the Christians by a forcible and perilous assault, did rescue *Dionysius* of *Alexandria* from those *infidels*, who carried him away, in the year 235. Now as I find nothing about that time, concerning any suffering of *Dionysius*, and because he was not *Bishop of Alexandria*, till about the year 246. or the third year of *Philippus* the Emperour, as *Eusebius* testifieth; and also because what he suffered, was under the persecution of *Decius*, who began his Reign about 250. years after Christ, I must suppose the year to be misprinted. The story to which this hath respect, I suppose to be this, which is mentioned in *Eusebius* from one of *Dionysius* his own Letters. Before the open persecution of *Decius* brake forth, *Dionysius* was seised on, and carried out of *Alexandria*, and was kept under the Guard of some
Soul-

Euf. Hist.
Eccl. l. 6.
c. 35. gr.

Ibid. c. 40.
gr.

Souldiers. But a *Country man* who was Sect. 2.
going to spend all the night in jollity, ban-
queting and revelling, according to their
custom at *Weddings*, hearing thereof, de-
clares this to all the rest of the Guests. They
with one consent arose, and violently ran
to the place, where *Dionysius* was, and
coming thither gave a great *shout*. The
Souldiers flying, they entred the House,
and forced him against his own desire and
entreaty, to rise out of his *bed*; and ta-
king him by *his hands and his feet*, they
drew and haled him out of the House, and
set him upon a *bare Asses back*, and car-
ried him away: and it seems probable that
in the consequence, *Dionysius* had hereby
an opportunity to make an escape. This ac-
tion is by *Baronius* placed in the year 253.
which by an easy mistake might be altered
into 235. But it is not manifest that here
was any *fighting* at all; and which is most
considerable, there is not any expression in
this whole relation, which so much as in-
timates, that they who undertook this
action were *Christians*. The perusal of
the whole story, will perswade an indif-
ferent Reader, that this was a *wild ex-
ploit* and frolick of a Company of *rude
spirited men* in that place, whom *Valesius*
calleth *rusticos & temulentos convivas*,
drunken Country Companions. Nor is it
probable,

Annal.
Eccl. an.
253. n. 100.

Val. in
Euf. l. 6.
c. 40.

B.2.C.4. probable, that the Christians of those times, would behave themselves after such a manner as this, either among themselves, or towards so eminent a *Bishop*. And such a charge as this may not be fastned upon them, where there is no evidence at all for the proof thereof.

Blond. ubi sup. 15. The second instance there given, is of the *Armenians* (i. e. of the greater *Armenia*) whom when *Maximinus* the Emperour, would by force have turned from Christianity, they defended themselves by *War* against him in the year 310. and are commended for it. This action is also observed and related by *Baronius*, who placeth it in the years 311. and 312. But this was no War against their *Sovereign*, but against a *Foreign Prince*, who would have violently forced upon them a *false Religion*. For this *Armenia* was at that time no part of the *Roman Empire*, but was a Nation bordering upon the Empire, who then had a *distinct King* of their own, but acknowledged a subjection to the *Persians*, and thereupon this Country was called *Perfarmeria*. But for divers years before and after this *War*, they were not under the *Roman power*; and *Eusebius* who relates this action, declares they were *Friends and Confederates*, till by this undertaking of *Maximinus*, they became his *Enemies*. 16. I

An. 311. n.
22, & 37.

Sozom. l.
2. c. 7.

Evag. Hist.
Ecclef. l. 5.
c. 7.

Euf. Hist.
l. 9. c. 7.
gr.

16. I confess some years after the Reign of *Constantine* was ended, there were among the Christians some attempts and enterprises undertaken, of another Spirit and nature. By reason of the great opposition between the *Arians*, and the *Orthodox Christians*; there were in *Constantinople* and in other places, *συνεχῆς στάσεις*, frequent seditions and tumults, as *Socrates* expresseth it; and these took place from about the year 340. Then among other things, *Hermogenes* the Emperours Commander, whom he sent to *Constantinople*, to dispossess *Paulus* from being Bishop there, was opposed with force, the House in which he was, being fired upon him, and himself slain in the year 342. Not long after this also, began the more open and contrived rebellion of *Magnentius*, and though this was undertaken out of ambition and *unchristian disloyalty*, yet he carried on his designs under a pretence for *Religion*. He first engaged against *Constans* the Emperour, who was slain by him, for which abominable Parricide, *Athanasius* inveighed greatly against him; and then managed a War against *Constantius*. And this according to *Baronius*, was the first time, that the Banner of the *Cross* appeared in the Field on both sides, one against another: and this was

Sect. 3.

This loyalty afterwards declined.

Socr. Hist. Eccl. l. 2. c. 12. gr.

Ibid. c. 13.

Baron. an. 350. n. 1, 2, 4.

Athan. Apol. ad Constant. Baron. an. 353. n. 5.

L 1

indeed

B.2.C.4. indeed a *Rebellious Insurrection*, against a *Sovereign Prince*. But the true *primitive* and genuine Spirit of Christianity, was wholly averse from and unacquainted with such proceedings : and when the Christian temper did in divers persons degenerate in this particular, such exorbitant and evil practices were always contrary to the *judgment* of the chief Guides, and *Bishops of the Church*.

CHAP.

CHAP. V.

*Of the extent of the duty, and obligation
of non-resistance.*

SECT. I.

*Resistance by force is not only sinful in
particular private persons, but also in
the whole body of the People, and in
subordinate and inferiour Magistrates
and Governours.*

1. **T**Here have been some, who grant
the *unlawfulness* of taking *Armes*
against a Sovereign Prince, to be a general
rule for ordinary circumstances; but
yet they pretend, there are some great and
extraordinary cases, in which it must ad-
mit of exceptions. And the proposall of
these Cases, as they are by them managed,
is like the *Pharisaical Corban*, an Engine
and method to make void the duties of the
fifth commandment, concerning obedi-
ence and *submission* to superiours. Where-
fore in this Chapter, I shall undertake the
defence of that assertion of *Barclay* who
proposeth the Question, *Nullius casus*,
&c. *May there no Cases fall out, in which*

G. Barcl.
cont. Mo-
narcho-
mach. l.
3. c. 16.
the p. 212.

B.2.C.5. *the People by their Authority may take Armes against their King?* and his answer is, *Certainly none, so long as he is King, or unless, ipso jure Rex esse designat.*

The whole Community have no Authority to take Armes against their Sovereign.

Marian. de Reg. & Reg. Institut. l. 1. c. 6.

2. Now the first Question and pretence, hath respect to the *whole Body of the People*. Whether if the *whole or principal part* thereof, do account themselves *injured*, and oppressed by their Sovereign, and judge it needful for their own *defence* and security, and the common good, to take *Armes*, and make use of force against him; this *authority* of the Community, be not a sufficient Warrant for such *resistance*. This is asserted by the seditious Positions of *Mariana*, who not only gives a large allowance to *Commonwealths*, and the generality of the people to *devest* the Kings of their Government, and take away their lives; but he also grants the same liberty and power, to *any members* of the Common wealth, if learned and grave men be *consulted*, and where there is *Publica vox Populi*, the *common voice of the people* inclining that way. And this notion also though not in the same exorbitant degree, is embraced by *Bellarmino*, and many of the Jesuits and other men of disloyal *Antimonarchical Spirits*. But because what I have said in the former Chapters,

Chapters, is both of sufficient force, and Sect. 1.
clear enough for the refuting hereof, I
shall only superadd these brief considera-
tions.

3. First, That the agreement of the
whole body of the People, or the chief and
greater part thereof, can give no sufficient
authority to such an enterprize; because
the *whole community* are Subjects, as well
as the *particular persons* thereof. And
with especial respect to this Kingdom, I
above observed, that our Laws declare it
unlawful, for the *two Houses* of Parlia-
ment though *jointly*, to take Armes against
the *King*. The same hath been also ac-
knowledgeed, by men of understanding in
Foreign Countryes. As *Bodin*, con- Bodin. de
cerning *England*, and other places where Repub. l.
the Kings have *jura majestatis*, concludeth, 2. c. 5.
singulis civibus nec universis fas est summi
Principis vitam, famam aut fortunas in
discrimen vocare; it is not lawful for the
Subjects, either singly, or all of them to-
gether, to bring into danger the life, ho-
nour, or possessions of the Prince. Second-
ly, this would open a gap to great confu-
sions, since the body of the people are apt
to be imposed upon, and to be led by
their *passions*, as the experience of these
latter Ages, as well as the Cases of *Corab*
and *Abshalom* do testify. And the same ap-

L 1 3

pears

B.2.C.5. pears from the *whole Congregation of Israel*, being forward to cast off *Moses*, and to make them *another Captain*, *Numb. 14. 2, 4*. Thirdly, This liberty may as reasonably be given to a few *private persons*, as to the whole people; because in such enterprises of the people, they are counselled by, and are generally *influenced* and led, according to the motions of a few *private persons*. Fourthly, The Laws of God against any evil actions, and consequently against *resistance*, do not become void, by any *great numbers* joining together, in practising what is contrary unto them. When the *primitive Christians* were the chief part of the Roman Empire, they durst not take up Armes against the *Emperour*, out of the fear of God, as hath been shewed. No sin is to be esteemed the less but the greater when a *multitude* shall be actors in it. If any violence be offered to a Father or Master, this is not the more allowable if all his Children or Servants join in the *Confederacy*. And when great multitudes engage in open *insurrections*, the consequents thereof may be much more dreadful, and calamitous to Mankind: whereas the embodying of *small numbers*, are the less to be feared, because the more easy to be *suppressed*.

4. The next pretence is, that *subordi-*
nate

nate Governours being also Gods Officers, Sect. 1. may defend the *properties* of the Subjects and the exercise of *true Religion*, even by taking Armes against their King. This hath been asserted by such Writers as *Junius Brutus*, the *Anonymous* discourse *de jure Magistratum in subditos*, others in *England* in our late intestine Broils, and *Rutherford*, of Civil Policy. And *Sleidan* in his Commentaries reports, that the same was declared in the *Magdeburgh confession*. And for the supporting of this assertion it is urged, that all Governours even *subordinate* as well as *supreme*, are in the use of their power to serve God, and do *justice*, and defend the innocent, and do act by Gods Authority. As also, that if any person in *Ecclesiastical power*, how high soever he be, shall oppose the Christian Doctrine, his *subordinate Clergy* lawfully may, and ought to withstand him. And that saying of *Trajan*, mentioned by *Dion Cassius*, is usually noted to this purpose, who delivering the Sword to an *inferiour Commander*, bad him use *this* for him, if he should govern well; but against him, if he governed or commanded ill.

Brut. Vind.
qu. 2. p.
56. & qu.
3. p. 93.
edit. 1589.
De Jur.
Mag. Qu. 6.
Ruth. Qu.
20. & 36.
J. Sleid.
Com. l 22.
an. 1550.

In Vir.
Trajan.

5. But such Positions would *undermine* the peace of the World, and lay Foundations for great *disturbances*; and thereby

Subordinate
Governours
may not re-
sist the su-
preme.

B.2.C.5. the Commands of God would be broken , with the greater force and *violence* , if those who are invested with some part of the *Kings Authority* , should account themselves thereby impowered , to make use thereof against him. And if this were admitted , the state of Kingdoms must be in danger , whensoever *inferiour Governours* shall be *imposed* upon, by the subtilty of others, or *puffed up* by ambition. But this is as far from truth as from peace : though *Corah* had 250 *Princes* who joyned with him, and *Abshalom* was assisted by the *Elders of Israel* , besides *Ahitophel* the great Counsellour of State ; this did not justifie their Treasonable Conspiracies. And though *David* was a great *Officer at Court* , General of the Army of *Israel* , and the *anointed Successour* to the Crown , by Gods special appointment , and no *subordinate Ruler* in other Dominions , could have so much to plead for himself in this case , as *David* had ; yet it was not lawful for him to *stretch out his hand against Saul* . And in the account of the *Thebean Legion* above mentioned , *Mauritius* was a great Officer and Commander of the *Roman Army* , and then in Arms at the head of his Legion , and yet according to the primitive Christian principles , professed a detestation of making
resistance.

resistance. And therefore this pretence is justly rejected, with some vehemency by *Grotius*, as being against Scripture, reason and the sense of Antiquity.

Sect. 1.
De J. B.
& P. l. 1. c.
4. n. 6. &
de Imper.
c. 3.

6. Indeed all persons in Authority are bound to do *justice*, but this must only be in their Sphere, and according to the proportion of their *power*: but they cannot be allowed to set themselves over their Superiours, to *usurp* upon their Authority, or to deny *Subjection* unto them. And with respect to their Sovereign, Officers both by *Charter* and *Commission*, have their Authority depending upon him, and are as much his *Subjects* as other men are; and besides the common bonds of Subjection, do all with us take the *Oath of Supremacy*, and *Allegiance*. Now as a Servant may not put himself into the place of a Ruler or Judge, over his Master, to force him to what he thinks equal; no more may an *inferiour ruler* do to his *Prince*. To this purpose it is observed by *Sleidan*, that the *Electors of Saxony*, who was then the chief person against the *Emperour*, in the *German Wars*, under *Charles the fifth*, did openly declare, that if *Charles the fifth* was owned to be *Cæsar*, or a proper *Sovereign*, with respect to those great Princes of the Empire, it must then be granted, *cum eo belligerari non licere*:
that

Sleidan.
Comment.
l. 17. An.
1546.

B.2.C.5. *that it was not lawful to make War with him. And whereas subordinate Rulers are to be submitted unto, and revered, in the regular use of their Authority, yet if they shall oppose the superiour Power, they are to be deserted, and the acting against them, in discharge of duty to the Sovereign, is no disobedience. Thus S. Austin, ipsos humanarum rerum gradus advertite; consider the orders, steps and degrees of human affairs. If the Curator command one thing, and the Proconsul another, must not the greater power be obeyed? and so also where the Proconsul commands one thing, and the Emperour the contrary. And St. Peter in commanding submission to inferiour Governours, make uses of these bounds of Subjection, as unto them who are sent by him, i. e. the King.*

Aug. de
Verb.
Dom.
Serm. 6.

Disparity
between se-
cular and
Ecclesiasti-
cal Gover-
nours.

7. The objection from the comparing the case of Ecclesiastical and Civil Rulers, is of no weight, because of the great disparity that is between them. The withstanding an Heretical Bishop, who would impose corrupt Doctrines upon the Church, if this be certain and manifest, may lawfully be undertaken, not only by the inferiour Clergy, but by other Christians: and herein they only do their own business, of keeping the Faith, holding to

to the truth, and rejecting what is contrary thereto. And S. Cyprian when *Basilides* and *Martialis* Spanish Bishops had closed with *Pagan Idolatry*; accounted that ordinary Christians ought to *separate* themselves from such guides. And though in our age, too many causelessly reject *communion* with those Officers whom Christ hath set over them, which is a sin of no low degree: yet it must be acknowledged, that they may be just causes for such *withdrawing* from *Communion*, in obedience to the Christian Doctrine. But it can never be lawful for *private Christians*, to usurp to themselves *Episcopal power*, which would be unaccountable and sacrilegious. And if a *Sovereign power* should command any to embrace *Heresse*; or reject the true Religion, or to become *unjust* to others; to refuse such evil practices, is their duty they owe to *God*, who is the *Supreme Governour*, and so far they act in their own Sphere: but if they take *Armes*, they then take to themselves the power of *the publick Sword*, which is the *Sovereigns* right, and are thereby guilty of *invading* what is not their own. Besides this, there is no *Ecclesiastical Officer* whosoever, but his Authority is inferiour to the Authority of the *Universal Church*, of which he is a member; and this principally takes in the

Sect. 1.
Cyp. Epist.
68.

Aug. ubi
sup.

B.2.C.5. the *Apostolical* and *Primitive Church*; and all *Christians* are bound to hold to the *doctrine and unity* of this *Church*, against any *Bishop* or *Officer* whomsoever, who departeth from it; whereas *Sovereign Princes* are subject to *God* alone, and not to any other upon *Earth*. And therefore the comparison would be more equal between a *secular Sovereign*, and the *Catholic Church*, as to the *Supremacy* of their *Authority* under *God* alone.

Of the
words of
Trajan.

Xiphilin.
ex Dion.

8. The words of *Trajan*, which some have urged, seem to have been a *popular*, and somewhat *unadvised* expression, calculated for the obtaining the applause of the people; somewhat like that of *Marcus Antoninus* to the *Senate*, who said to them, *we have so far nothing our own, that the very House we dwell in is yours*. Or they may also be intimations of a strong confidence, that he should never himself decline to evil wayes, or put any of his *Officers* upon *unworthy actions*. But the argument from these words is weak and inconsiderable, and the determining the true sense of them is not material, unless it could be proved, that this saying of *Trajan*; is that which all the *World* ought to observe as their *rule*, rather than the *Principles of equity*, the *directions of Scripture*, and the sense of the *primitive Church*.

S E C T.

SECT. II.

Some Cases which have respect to the Prince himself, reflected upon.

1. Since some other Cases have been discoursed on by learned men, I shall take such notice of them as is needful, with particular respect to the Government of this Kingdom. Wherefore it will be needless for me to enquire into those Cases mentioned by *Grotius*, of the lawfulness of taking Armes against such a Prince, who hath *no supreme power*, or who hath no just and warrantable *right and title*, or who receiveth his Government upon *express condition*, that in some special circumstances, it shall be lawful to make resistance against him, or relinquish obedience to him. For such Princes as these are supposed to be, have no compleat *Sovereign right*, and the consideration of such things is of no concernment to our *English Government*.

De J. B. &
P. l. 1. c. 4.
n. 8. 14, 15.

2. Another question hath been proposed concerning Princes, who voluntarily and freely *relinquish*, and lay aside their *Crown and Government*. And there have been several instances of this nature, as in the Emperour *Charles the First, Christina*
of

Ibid. n. 9.

B.2.C 5. of Sweden of late, *Bambas of Spain*, which
 Conc. is expressed in one of the Councils of To-
 Tolet. 12. *ledo*; and in the space of two hundred
 years, nine *Saxon Kings* have been ob-
 Fullers Ch. served to have done the like in *England*.
 Hist. 1. 2. And if such persons should act against the
 an. 718. settled Government of their respective
 Kingdoms, after they are fixed in the
 next *Heir*, in an hereditary Kingdom, or
 in another *King*, according to the consti-
 tution of elective Principalities, the resist-
 ing any of them, is not the taking *Armes* a-
 gainst the *King*, but against him who now
 is a *private person*.

Barcl. 3. The Question concerning a Prince,
 cont. Mo- who shall undertake to *alienate* his King-
 narchom. dom, or to give it up into the hands of a-
 l. 3. c. 16. nother Sovereign Power, against the mind
 p. 213. of his Subjects, hath been considered by
 Barclay, *Grotius*, and before them both
 Grot. ubi was reflected on by Bishop *Bilson*. And
 sup. I think them truly to assert, that such an
 Bill. of act of *alienation*, or of acknowledged
 Christian subjection, especially if obtained by *evil*
 subject. l. 3. *methods*, as was done in the case of King
 p. 479. & *John*, is null and void; and therefore can
 520. neither give any right of Sovereignty to
 another, nor dispossess the Prince himself
 thereof, as was said in the former Book.
 But if any such Prince shall actually and
forcibly undertake to bring his Subjects
 under

under a *new supreme power*, who have no Sect. 2.
 right thereto, and shall *deliver up* his
 Kingdome, to be thereby possessed, *Gro-* Ibidem.
tius doubteth not, but he may be *resist-*
ed in this undertaking; but then this
 resolution must proceed upon this ground,
 that this action includeth his *devesting*
 himself of his Sovereignty, together with
 his *injurious proceeding* against those,
 who were his Subjects. And *Barclay* who *Barcl. ubi*
 allows only *two cases*, in which a Prince *sup.*
 may be *devested* of his royal Dignity, doth
 account this to be one of them. But con-
 cerning this I think it chiefly necessary to
 adde, that a disquisition of this nature,
 hath much in it of the needless niceties of
 many disputes of the School-men, wherein
 they contend about empty Notions, and
 exercise themselves in speculations, which
 are not like to be of concernment to
 Mankind. For mens ordinary Duties do
 not depend on such extraordinary, *un-*
likely, and merely *imaginary suppositi-*
ons. And therefore this case might well
 enough have been omitted, were it not
 that some might account it a *defect*, to
 take no notice of what other men thought
 fit to propose; and possibly some may ac-
 count such things to be of more *weight*,
 than they really are.

4. The last case which I shall take no-
 tice

B.2.C.5. tice of, as mentioned by these and other Writers, is expressed in high words, which yet are of no great weight, when thoroughly examined; to wit, whether if a Sovereign Prince should actually undertake to *destroy* his whole Kingdom, or any considerable part thereof, they may not in these circumstances, have Liberty of *defending* themselves by taking *Armes*. This Question is started and urged by *Junius Brutus*, and insisted on by other subverters of Sovereign Power; and is needful to be discoursed, because here such men take sanctuary who would undermine the *Duties of submission*. But good men ought to be cautious even of admitting any such *uncharitable suppositions* to enter into their hearts, concerning their own Rulers, whom *God* hath commanded them to *honour* and *reverence*: and much more ought they to be wary, that they do not account themselves, to have ever the more Liberty to evade *Gods Commands*, and their ordinary Duty of subjection and *allegiance* by the putting such general and more than extraordinary cases. Wherefore I shall first take notice of what is proposed, concerning the *whole Dominions* of a Prince, or a whole Kingdom; and then concerning any *considerable part* thereof.

5. The

Vindic.

Cont. Tyr.

Qu. 3. P.

184, &c.

It is not
reasonable
to imagine
a King to
undertake
to destroy
his whole
Kingdom.

5. The suggestion of a Sovereign Sect. 2.

Prince, out of mere will or passion, undertaking to *cut off*, or to ruine and destroy the *whole Body* of his *People*, are expressions which make a great *noise*, and have a terrible sound and dismal aspect; but like a *Spectrum* though they may *af-fright*, they have little of *substance* under them. I acknowledge that this is the other only case in which *Barclay* esteemeth a Sovereign Prince to forfeit his right of Government, and that thereupon it may be lawful to *resist* him. And the comparing several places in that Book, will necessitate the interpreting those expressions to extend only to this case, which allow the People under the fiercest and highest tyranny to *resist*, provided they exceed not the bounds of mere *defence*, without any attempts of *invading* or *re-venging*. But then withal he will not allow in this case or any other, the taking *Armes* against the *Sovereign Power*, but saith, a Prince by such an undertaking as this, loseth his *Royal Authority*, and is no longer *King*; *se omni dominatu & principatu exuit*; *atque ipso jure, sive ipso facto, Rex esse desinit*, *Cont. Monarchomachos* l. 6. c. 23. And *Grotius* also agreeing with *Barclay*, whom he here cites, granteth that the *People* may in

Adv. Mo-narch. l. 3. c. 16. p. 212.

l. 3. c. 8. p. 159. l. 6. c. 23. p. 503. & c. 24. p. 513.

B.2.C.5.
De Jur.
Bel. & P.
l. 1. c. 4.
n. 11.

such a case as this *resist* by force, *si Rex ve-*
rè hostili animo in totius populi exiti-
um feratur. And he also proceedeth up-
on the like foundation, that this is not
to resist a Sovereign King, but him
who ceaseth to be such; *consistere simul*
non possunt voluntas imperandi, & volun-
tas perdendi; quare qui se hostem populi
totius profiteitur, eo ipso abdicat reg-
nium.

6. Now the design of these learned
men, is thus far herein to be much appro-
ved, that they thought it necessary to take
care, that whilst the Right and Authority
of Princes was asserted, the safety of the
people and the common good should still
be provided for. Yet because I conceive
these answers to leave things too loosely,
and afford over-much occasion for unqui-
et Spirits to lay hold on, I shall endeavour
to speak a little more closely to this mat-
ter. Wherefore I assert, 1. That there
is a great difference, between the discour-
sing of such things as mere *notional sup-*
positions, and the considering them as mat-
ters of *practice and reality*. In the former
way there may be *suppositions* made, of
things which actually are not, never were,
nor are ever like to be; and there may
also be supposed such evidence as is clear,
and beyond all possibility of mistake,
when

when there is no such thing in reality. Sect. 2.
And only upon the yielding such suppositions, I shall grant the answer given to be true. Thus the River *Thames* may be granted to be hurtful and *pernicious*, upon supposition that it should overflow and drown the whole Kingdom: but though such a thing may be *imagined* in speculation, men of common understanding cannot much fear any such *actual danger*. Now the taking *Armes* is not a notion but a matter of *fact*; and therefore the reason and ground of such undertakings, must be from things as they actually and really are in the World.

7. I assert, Secondly, That if we consider this as a Case of *prudence*, which is that to which our *publick acknowledgments* also must be referred, this pretence is no sufficient Plea for Subjects to *take Armes*; upon these two reasons.

1. From the *unreasonableness* of the thing supposed, and the great *unlikelihood* of its ever being *true*, though it may be so *pretended*. For such a thing probably never was actually in the World: and *Grotius* acknowledgeth, that this can scarce seem *possible to happen*, in a King who is *compos mentis* towards his whole Dominions. Indeed *Barclay* gives instance in *Nero*, whom *Aurelius Victor* relateth,

Grot. ubi
sup.

Adv. Monarchomach. l.

M m 2

to 3. c. 16.

B. 2. C. 5. to have talked of *destroying Rome* and the Senate, with *Fire and Sword*, and placing his residence elsewhere : and much to the same purpose is declared concerning *Caligula*. Now though these were *Monsters of men*, and it may be hoped, that no *Princes* like to them, will ever live under Christianity especially : yet these expressions had not respect to the *whole Empire*, but only to *Rome* ; and *furious speeches* even of such men, whose actions spake them savagely cruel, might probably vent much more, than would ever be enterprised and attempted. And it seemeth considerable, that *S. Pauls* Prohibition against *resistance*, was written to the *Romans*, within a few years after the end of *Caligula* his Reign, and about the entrance of *Nero* ; and therefore was a *firm rule* and binding obligation, even under their Government.

8. I know it is not *simply impossible*, that such a Case should be in *Act*. If *Antiochus* had been really King of *Judea*, while he resolved to *destroy* all persons of the whole Nation of the *Jews*, who observed the Law of *Moses*, this had been a Case of somewhat like nature, and upon this Foundation *Barclay* also goes, to justify the Wars of the *Maccabees*, of which I have given another account. But though it

Ibid. l. 6.
c. 24.

it be not *utterly impossible*, yet there is as Sect. 2. much or more reason, for those *Children* who *maintain* and support their Parents by their *industry*, to fear that these Parents do design to *poison* them (because there have been some unnatural and *Saturnine Parents*) than that Subjects should fear any such design of their Prince, against his whole Realm. And such Children might with as much justice attempt the *murdering* of these Parents, upon such suspicions, which would be horrid and inhumane; as Subjects upon the mentioned pretence, take Arms against their *King*, both having equal appearance of self-preservation and being *defensive*; and both being *impious* and opposite to Righteousness and Christianity.

9. 2. The other reason is from the *dangerous effects*, and great mischief, that hath been, and still may be in the World, by proceeding upon such pretences. For he who doth observe, that *Moses* who was so great a deliverer of *Israel*, was charged by them in their murmurings, as one who intended to *ruine* and *destroy* them, and that this was done not only *once*, but *frequently*, Ex. 16. 3. Ex. 17. 3. *Numb.* 16. 13, 14. and that they spake to like purpose concerning *God* himself, *Numb.* 14. 2. *Numb.* 21. 5. *Dent.* 1. 27,

Mm 3

may

B. 2. C. 5. may discern, that upon small or no occasions the suspicions of *discontented* Spirits, carried on by plausible insinuations, will easily pretend to *certain evidence* of the design of *ruining* the people, in the best Governours, to the neglect of their Duty, and the disturbance of *peace* and quiet. It is manifest both in our own and other Nations, that much *Christian blood* hath been shed, by giving way to such *false surmises* against truth and *Christian Charity*. And it is to be expected that male-contented persons, if they have any ill enterprises, will shell them over with the *fairest pretences* they can take up, as a disguise for themselves, and a way to inveigle others. But as Bishop Taylor asserting the unlawfulness of resistance, well observed, *such wild Cases* as this, of a King endeavouring to *destroy his Kingdom*, are not to be pretended, against that *which Religion and natural reason* hath established.

Duct. Dubit. B. 3. c. 3. rule 3. n. 15.

Of a Prince or Sovereign power or undertaking to cut off a considerable number of Subjects.

10. But I come now to consider the other part of this Question, if a *Sovereign Power* undertake to *destroy* any great or *considerable* part of the people. Such things in some Cases, have oft happened in the World: but herein the *English constitution* doth afford *peculiar advantages*, and securities to the Subjects of this realm, above what is in many other Sovereignties. But these

these Cases may be best judged of, by rank- Sect. 1.
ing them in several orders, and by observing
particular instances of *fact* which have hap-
pened under other different Governments.

II. Wherefore I. *Sovereign Powers* Where this is a pro-
ceeding ac-
cording to
the Laws
and Rules
of the Go-
vernment,
and upon
great
crimes.
have sometimes undertaken to destroy a
part of the people, upon account of some
great or *enormous crime* charged upon
them, and by vertue of such a *publick sen-
tence*, which may be called *Judiciary and
Legal proceedings*. Amongst the *Israelites*
when they had no King or Judge, the chief
power was in the *heads of the Tribes*; in
which time that horrid *wickedness* was
committed by the men of *Gibeah*, upon
the *Levites Concubine*, *Judg. 19*. But the
Benjamites standing in *defence* of these
wicked men, that they might not suffer
deserved justice, the whole Congregation
of *Israel* set themselves against the Tribe
of *Benjamin*, *Ch. 20*. And they bound
themselves by *Oath*, saith *Josephus*, to act
*more fiercely against them, than their Fa-
thers had done against the Canaanites*.
And when this *whole Tribe*, Men, Wo-
men and Children were *utterly destroyed*,
except six hundred men, the same Author
tells us, that both the *Israelites*, and these
surviving *Benjamites*, acknowledged that
this execution was *just*. And indeed
thole *Benjamites*, who undertook the

*Antiquir,
Jud. l. 5.
c. 2.*

Ibid.

B.2.C.5. defence of that hainous wicked action, did thereby entitle themselves to the guilt thereof: for S. Ambrose rightly declares, *non minoris esse criminis tantum facinus defendisse, quam exercuisse*; it is a matter of no less crime to defend so great a villany, than to commit it. And about the same time, the Inhabitants of *Jabesh Gilead* were utterly destroyed by the Congregation of *Israel*, except four hundred Virgins, because they were so far Favourers of this wickedness of the *Gibeathites*, that they would not join with the rest of the *Israelites* to punish it.

Ambr. Ep.
65. ad Sy-
agr.

Orof. l. 7.
c. 12.

12. The *Jews* also after their Commonwealth was destroyed, and themselves dispersed in many places of the Empire, rose up in rebellion in the Reign of *Trajan* and also of *Adrian*, when they were headed by the pretended *Messiah* called *Bar-chocab*, or the Son of a Star, with respect to that Prophecy of the *Star of Jacob*, *Numb. 24. 17.* (though the *Jews* found sufficient reason to call him *Bar-cozib*, the Son of a Lie) and proceeded with that fury, that they laid many places utterly waste, both about *Egypt* and *Libya*, and other Parts of *Africa* and *Cyprus*. And both the Jewish Chronicle *Tzemach David*, and other Historians, account two hundred thousand, or a greater

Buxt. Lex.
Rab. in
כוכב
Dio. cit
Seldeno.

ter number, to have been then slain by Sect. 2.
 them, about *Alexandria*, and the Parts
 of *Egypt*. To prevent the like sad ef- Euf. Hist.
 fects in *Judea* and *Mesopotamia*, where Eccl. l. 4.
Orosius relates them to have been in *Armes* c. 2, 6.
 also in the time of *Trajan*, the Empe-
 rour determined the *destroying* all the
Jews there, as a stop to the *Enthusiastick*
Fury of that People. And upon this ac-
 count, great *multitudes* of the *Jews* were
 destroyed by him, and *Adrian* his succe-
 ssour, in several Countries; especially in
 and near *Judea*, in the Expedition of
Qu. Lucius, and the taking the City *Bit-*
ter. What the *Jews* themselves express, Buxt. Lex.
 concerning the vast numbers who were Rab. in
 then destroyed, is indeed utterly incredi- ברב
 ble; but *Eusebius* mentioneth *infinite mul-*
titudes cut off, and *Dion* speaks of five
 hundred thousand slain by the Sword. All
 which was the sad effect of the *seditions*
outrages of the Jewish Nation, when they
 might have otherwise enjoyed safety.

10. To these I adde the instance of
Theffalonica, in the Reign of *Theodosius*
 the Emperour. When there had been a Theod.
 great *tumultuous insurrection* in that Ci- Hist. l. 5.
 ty, wherein some of the Magistrates were c. 17.
 stoned to death; the Emperour highly in-
 censed at the hearing thereof, gave *sen-*
tence for the *destroying* the Inhabitants
 of

B.2.C.5. of that City, which was the *Chief City* of
 Sozom. 1. that part of the Roman Empire, under the
 7. q. 24. *Præfectus Illyria*. And accordingly seven
 thousand men were slain, even the *innocent*
 with the guilty, all cut off together as
Corn by the Sickle. For which Fact, pro-
 ceeding from great unadvised *passion*, the
 Emperour upon St. *Ambrose's* reproof, ma-
 nifested great repentance.

14. Now the destroying *innocent per-
 sons* can never be just, and the killing *in-
 fants* among others, though allowed and
 sometimes enjoined, under the *Mosaical*
Dispensation, is certainly so contrary to
 the Spirit of *Christian meekness*, that un-
 der the Gospel it may *in no case* be defend-
 ed. Yet forasmuch as the *Sovereign Pow-
 er* in *Judea*, and many other *Eastern Na-
 tions*, and also in the *Roman Empire*, as
 their Laws declare, had such an authority
 that the particular Rescripts and *Edicts*
 of the Emperours, were accounted *Law*,
 and what they determined, was esteemed a
legal decision or sentence, and a judicial
 way of proceeding: From these Consi-
 derations, I suppose it was not lawful for
 any of the persons in the instances above
 mentioned, (though some of them were
 unjustly sentenced) to have taken *Armes*
 in their own defence. But they were in
 this case to commit themselves to him that
judgeth

The Sub-
 jects under
 the Eng-
 lish Go-
 vernment
 have great
 advan-
 tages a-
 bove many
 others.

judgeth righteously, as our Lord and Sa- Sect. 2.
 viour hath left us an example to do. For
 if it were lawful for persons *condemned*
 without just cause, to *resist* by force the
 proceedings of a *judicial Sentence* pro-
 nounced by the greatest authority, accord-
 ing to the Constitution of that Govern-
 ment, then were they not in *subjection* to
 that Government and Authority. And
 they who were guilty of *Capital Crimes*,
 were upon account of their *offences*, so
 much the more obliged to submit them-
 selves and their lives, either to the *justice* or
mercy of their Sovereign, and not to add
 to their former crimes a continued *resist-*
ing just Authority. But the excellent
 Constitution of our *English Government*
 hath this advantage among others, that it
 gives sufficient security to the *English Sub-*
jects, that there is no way of judiciary and
legal proceeding, by the King himself or a-
 ny other, against the *life* or *property* of a-
 ny person, who lives peaceably and order-
 ly, but according to the established *Laws*
of the Land, and upon a fair tryal of his
 case: Nor will our Laws allow any such
 general sentence, which may take in inno-
 cent persons.

Magn.
 Chart.
 c. 30.

15. And secondly, there have also been
 cases in the World, where a *Sovereign*
Power hath engaged, in the destroying a
 great

B. 2. C. 4. great part of their Subjects, who were
where the
Laws of a
Govern-
ment con-
demn inno-
cent persons,
who dye
Martyrs,
they may
not take
Armes. guilty of no real Crime, either out of great
averseness to some good or lawful thing
 which they embrace, or out of *favour* and
 kindness to their Enemies; and yet where
 this is done according to the *publick Laws*
 under which they live, it is unquestiona-
 bly no sufficient Plea to take *Armes*. Of
 this nature were the *Persecutions*, and all
 the sufferings of the Christians, under the
 Pagan and Heretical *Emperours*, when the
Laws of the Empire were against Chri-
 stianity, and the true profession thereof.
 And from the History of the Book of *Est-
her*, it seemeth clear, that when at *Ha-
mans* Request, *Ahasuerus* had granted,
 that all the Jews should be destroyed,
 they had no resolution of *defending* their
 lives by *Armes*, till they had Liberty to
 that purpose granted by *Ahasuerus*: And
 the obtaining this Liberty, was part of the
 benefit they received by the intercession
 of *Esther*, and the advice of *Mordecai*,
Esth. 8. 11. *Ch.* 9. 2. And though *Gro-
tius* thinks that they might have done
 this, by the right of the *Laws of Nature*;
 yet the Constitution of the *Persian Mo-
narchy*, placing so large a power of life
 and Death in their Kings (of which the
 hanging *Haman*, *Esth.* 7. 9. 10. and the
 casting *Daniels* Accusers into the Lions,
 Den,

Grot. in
Esth. 8. 11.

v. Dan.
 6. 24.

Den, is sufficient evidence) no *resistance* Sect. 2. could have been made, but against the authority of the *Laws* and *Government*, under which they lived. And there is so great an agreement between the condition of these *Jews* and of the *Primitive Christians* under their persecutions, that if the *Laws of Nature* would have allowed these *Jews* to resist, it must also have been lawful for the *Christians* to have done the same, which is contrary to their *general profession* and *universal practice*; or else it must be said, that the *Christians* were prohibited this, by such a peculiar *Christian-Law*, as is contrary to the *Law of Nature*, which would be a great slander and *calumny* upon our Religion.

16. Upon this account the *Novatians* Socr. Hist. l. 2. c. 38. gr. were to be blamed, who when the Souldiers of *Constantius* the *Arian* Emperour, were by his Command, sent to force them to become *Arians*, they took *Armes* in defence of their Profession of Religion; especially because the *secular laws* of the Empire concerning *Religion*, were directed by the particular *Edicts* of the Emperour, who was then a fierce *Arian*. And in such cases, though men were able against the *Laws* and *Government* to defend their *Bodies* by resistance, they might better

B.2.C.5. better defend their *Souls* and their *Religion*, by suffering as *Christians*; otherwise the Spirit of a *Jewish Zealot* (of whom there were great numbers in *Jewry*, among the *unbelieving Jews*, after our Saviours Death) must be preferred before that of a *Christian Martyr*. Yet where the *Laws* of any Realm condemn any persons though undeservedly, they may *flee*, or use any lawful means of *escape*, but not take *Armes* for their own defence.

The advantage of the English Laws.

But with respect to such proceedings as these, our *English Government* gives us this advantage, above what divers ancient and modern Nations had, that the true *Religion* is established by our *Laws*, and that *no Law* can be repealed or altered to the prejudice of English Subjects, by the pleasure of any *Prince* alone, and without the Consent of the *Peers*, and the Representatives of the *Commons* of *England*.

For a Sovereign Power against Law and right to resolve to ruine great numbers of Subjects, is so inhumane and unlikely, that it ought not to be supposed against our ordinary Duty.

17. The only thing which in this case can farther be proposed is, whether if a *supreme Governour* should according to his own pleasure, and contrary to the *established Laws*, and his Subjects Property, actually engage upon the *destroying* and ruining a *considerable part* of his *People*, they might not defend themselves by taking *Armes*? And it is to be heeded fully

fully considered, that this Question is Sect. 2.
much *notional* and speculative, and is of
small concernment to *practice*, because
notwithstanding *suspensions* and jealousies,
which may be unreasonably fomented,
there hath never been in this Kingdom
(or in most others, if not all) any such
enterprise, by the true *Sovereign Prince*,
against peaceable and innocent Subjects,
during our Histories, for many hundred
years. And it is hard to find any such
instance of a lawful *Prince* undertaking to
ruine a great part of his people, against the
plain declarations of the *established Laws*
of the Realm.

18. Had *Antiochus Epiphanes* been the
true Sovereign of the Jews, his attempt-
ing to *destroy* all those who would ob-
serve Circumcision, and the Worship of
the true God, which the *Political Laws*
in *Judea* established by God, and *unre-*
pealeable by *Antiochus*, did enjoin them
to perform; this had then been much
to this purpose. But he was none of their
lawful King, but an Enemy, and yet di-
ed under the dismal lashes of a torment-
ing Conscience, for these and such like
wicked actions, as I above shewed. And
when he invaded *Judea*, he was as a Li-
on bereaved of his Prey, being forced to
return from his designed attempts upon
Egypt,

Jos. Ant.
l. 12. c. 6.
liv. Dec.
5. l. 5.

B. 2. C. 5. *Egypt*, by the resolute denunciation of
 Justin. *Popilius* the Embassadour from *Rome*.
 L. 34. The *Paris Massacre* was also of somewhat
 a like kind, with respect to the greatest
 numbers who were therein murdered. For
 though I acknowledge the practice of some
 of them, being in *Armes* about that time,
 was not defensible (and towards them this
 might possibly be intended as an Artifice
 and stratagem of War, or else perhaps it
 had never been) yet that so great num-
 bers as about an hundred thousand, should
 in cold blood be cruelly *assassinated*, and
 murdered, and most of them manifestly *in-*
nocent persons, without ever being *judicial-*
ly accused, Tried, Convicted or Condem-
 ned by the *Law*, was such a piece of bar-
 barous savage *Cruelty*, as can scarce be pa-
 rallel'd, as some have noted, under *Maho-*
metanism.

19. But if ever any such strange Case
 as is proposed, should really happen in
 the World, I confess it would have its
 great difficulties. *Grotius* thinks that in
 De J. B. & this *utmost extremity*, the use of such de-
 P. l. 1. c. 4. fence as a last refuge, *ultimo necessitatis*
 n. 7. *presidio*, is not to be condemned, provi-
 ded the care of the common good be pre-
 served. And if this be true, it must be up-
 on this ground, that such attempts of ru-
 ining, do *ipso facto* include a disclaiming
 the

the governing those persons as *subjects*, and Sect. 2. consequently of being their Prince or King. And then the expressions of our publick *Declaration and acknowledgment* would still be secured, that it is not lawful upon any pretence whatsoever to take Armes against the King. But Bishop *Bilsan* speaking of such Popish Cruelties, as that I lately mentioned, saith, they are able to set grave men and good men at their wits end; and make them justly doubt, since you refuse the course of all divine and humane laws with them, whether by the law of nature they may not defend themselves against such barbarous Blood-suckers. And then he adds, Yet we stand not on that: if the laws of the land where they converse, do not permit them to guard their lives, when they are assaulted with unjust force against law, or if they take Armes as you do to depose Princes, we will never excuse them from Rebellion.

*Christian
Subjection
and Un-
christian Re-
bel. Part. 3.
p. 519. c.
dit. 1589.*

20. But in truth the Case above-mentioned, ought not at all to be supposed, or taken into consideration, either with respect to this publick acknowledgment, or any thing else. For there is greater hurt to be feared from the making such suppositions, than from the thing supposed; since it is much more likely, that such designs should be imagined; and believed to be true, when they are false (as they were in the unjust

N n

outcries

B.2.C.5. *outcries* against our late Gracious Sovereign) than that they should be *certainly true*. And every good man, yea every reasonable man may have as great confidence, that no such case will really happen, as can be had concerning the future state and condition of any thing in this World. For though it should be supposed that some *Princes* may be tempted to think, that by such means they might carry on some present design which might please themselves, or some other persons who flatter them into it; yet this will appear to be against their *grand interest*. And the constant preservation of our Fundamental *legal rights* by our *Kings*, doth manifest that they well understood, how much *their interest* and their *subjects* were linked together: and withal the considering this, is of great use to *quiet* and satisfy the mind of *subjects*; and therefore I shall take some notice thereof.

The Princes
main interest
is to preserve the
just rights
of his Subjects.

I. As to
Christianity
and the
other World.

21. First with respect to *Christianity*, and the interests of another World. For though *Princes* bear *not the Sword in vain*, but may and must use *severity*, where it is necessary, against evil doers; yet the Precepts of *Righteousness*, Meekness and love, and the Laws of *nature*, and of *Christianity*, do as much oblige the greatest persons upon Earth, as other men. And since they have a *righteous Lord* and Governour in Heaven, there-

thereupon the dying words of *David*, Sect. 2.
spoken by divine inspiration, are to them a
necessary Rule, *He that ruleth over men must
be just, ruling in the fear of God*, 2 Sam. 23.3.
And they are also as much concerned as o-
thers, in the *threatnings* against the disobe-
dience of these divine Precepts. And the
Holy Scriptures speak much, of the sad
estate of all persons whomsoever, who
practise *oppression*, Cruelty and Unmerciful-
ness. And the future tortures in another
World, of the greatest persons who were
evil and *injurious* here, is also plainly ex-
pressed by *Plato*. Indeed Christianity al-
loweth *repentance*; but that repentance
which is available, in Cases of *wrong and*
injury, must include a necessary care of
restitution, and reparation.

Plat. in
Gorg. fin.
& de Re-
pub. l. 10.

22. Secondly with respect to their *ho-* 3. *Their*
nour and esteem. As a good name is useful *honour*.
to all men, so an high and *honourable repu-*
tation of Princes, gains them that reverence
and respect in the World, which is of great
moment to themselves, and their King-
doms. But whilst it is their honour to
secure the welfare of their Subjects, the
open *violating* their Rights will expose
them to be accounted persons of no *Fide-*
lity and Integrity. And every man accounts
his *own interest* to be maintained and up-
held, in the establishing *Righteousness* and
Justice,

B.2.C.5. Justice, but when men calmly consider things, they account Injustice and oppression to be injurious to the general state of Mankind. To this purpose any ordinary man who invaded what was anothers right, was accounted by *Philo* to be, κοινὸς πόνεως ἐχθρὸς, a *Common Enemy* of humane Society. What was it that made this Kingdom so uneasy and weary, under those who commanded it, before his *Majesties* Happy Restauration, but that the just *rights* of his *Majesty*, and others, were then *prostrated*, and the *Laws* of the Realm, and the established *Religion* subverted? And the methods of *unrighteousness* are the more distasteful to all men, because he who is unjust to one, if he have opportunity, and can propose to himself an advantage thereby, is like to be so to another.

Phil. de
Decal.

g. Their
safety.

23. Thirdly with respect to their *safety*, *Salomon* observed, *Prov.* 16. 12. that the *Throne is established by Righteousness*. And it must needs be so, because this with other acts of goodness, is the way to obtain the *blessing of God*, and also to engage the *good affections*, and *hearts* of the Subjects, which are the great security and defence of *Princes*. But where *unrighteousness* hath manifestly prevailed, though not in the *highest degree*, to contrive utter destruction, it hath oft been of fatal consequence. *Cicero* observed,

Cic. de
Offic. l. 2.
prope fin.

ved,

ved, that when in the Lacedemonian Government, *Rights* were frequently invaded against Justice, this occasioned first the ruine of the *Governours*, and then of the *Commonwealth*, and brought great troubles also upon the neighbouring parts of Greece. And when the Cruelties, Extortions and Impiety of *Domitian*, made him to be feared and hated of all his own *Friends* and *Intimates*, and his nearest *Relations*, who knew not how to think themselves secure, were the persons who contrived and effected his Death.

Suet. in
Domit. n.
10, 11, 14.

24. Fourthly, with respect to the *quiet* peace and serenity of their own minds. How much *inward perplexity* attendeth the greatest men, who are most guilty of *Cruelty* and *Oppression*, especially when their Consciences are awakened, by the sense of any *approaching dangers*, is evident from the great terrour and fearfulness, which surprized *Caligula*, *Nero*, and others of the like Spirit. To this purpose the account given by *Philip de Comines*, concerning *Ferdinand* and *Alphonso*, Kings of *Naples* and *Sicily*, is very remarkable. When *Ferdinand* through his Cruelty and Oppression, was hated at home, and could by no means procure Peace with the French, his mere grief for his miserable condition brake his heart, and ended his dayes. His Son *Alphonso* who equalled

4. Their
inward sa-
tisfaction.

Comin. l.
7. c. 2.

B.2.C.5. equalled at least the miscarriages of his Father, though he seemed before to be a man of an *high Spirit*, and great Courage, was now perpetually possessed with such amazement, that in the night in his sleep he ordinarily cryed out of the *approach of his Enemies*, and thought that not only *men*, but even *Trees and Stones*, were the appearance of the French coming against him. In this his consternation, he *resigned his Kingdom*, fled from *Naples* into *Sicily*, and soon died. And though his Son *Ferdinand* was of a better temper, the Subjects being *disgusted* by these former *Kings*, and not being hearty in his defence, he was *overcome* by his Enemies, lost his Kingdom, and a little after left the World.

Aurel.
Vist. in
Caracalla.

25. Thus severe punishments (from the *diræ ultrices*, as *Aurelius Victor* noted, or rather) from the justice of the righteous God, oft attend and torment the greatest Potentates, for their unrighteous actions, and therefore the *doing justice*, which God particularly enjoins, must needs be their *interest* as well as their *duty*. And as all these things I have mentioned are useful considerations against all *injuriousness*, so are they of especial weight against the *biggest oppression* and designs of *ruine*. And besides what I have here discoursed, I also refer the Reader to what I have said in a former Chapter,

Ch.2. Sect.
2. n. 3, 4,
&c.

Chapter, concerning the security which Sect. 2.

Subjects have, of their *interest* and property, though they may not take Arms against their Sovereign. And these things may be sufficient to quell, and suppress uncharitable and unreasonable and *unchristian jealousies*, and suspicions, if they be impartially and calmly pondered.

26. Wherefore since our Religion enjoins us to *fear God, and honour the King*, let no evil imaginations be entertained to hinder this duty. For as we by the mercy of God, live under a Prince of great *Clemency* and *Justice*, so there is little cause to fear, that any *Sovereign* who stands so much concerned from the most *solemn obligations*, and his own *interest* every way, to maintain and preserve the *Laws*, and the *good* of his people, should ever endeavour against these established *Laws*, to contrive the *ruine* of them: nor can there be any pretence, that lesser inconveniencies should be a foundation for Warlike Insurrections. And let every Christian practise that obedience and *submission* to superious, which the Rules of *Equity*, the nature of *Civil Society*, and especially the *Laws* of our *Christian profession* do require. But let that unruly and *turbulent Spirit* be utterly rejected, unto which ungoverned passions provoke evil men. This was one part of the bad temper
of

B.2.C.5. of the Pharisees, that they were βασιλεῖς
 Joseph. such who
 Ant. 1. 17. such who
 c. 3. had a special faculty of opposing and going
 counter unto Kings: but no such thing
 was in the life or Doctrine of our Saviour,
 nor ought to be in any, who own them-
 selves to be his Disciples.

27. And now I shall conclude, with an
 humble and hearty Supplication to al-
 mighty God, in which I entreat the Reader
 to join also; That he would bless and pre-
 serve our present Sovereign, and that he and
 his Successors may always rule in Prosperity
 and Peace, and in a constant exercise of Piety,
 Justice and Mercy: That they may ever ef-
 fectually maintain, and promote the true pro-
 fession and practice of Religion, and the wel-
 fare of the Church of God: That these King-
 doms may flourish, and be under the continual
 blessing of God, and his Protection and care,
 and that the Inhabitants thereof may faith-
 fully serve him: And that no Unchristian
 Jealousies and Suspicions, or any evil Seeds of
 Discord, may take Root amongst us, and that
 our Holy Religion may never henceforth be
 evil spoken of, through any Unchristian
 practices of Rebellion, which are opposite to
 true Christian Loyalty. Amen.

FINIS.